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Although segregation is legally wrong, it is still maintained in a de facto sense by discriminatory housing. A group of Milwaukee social scientists stated that this de facto segregation in the urban areas hurts education in these ways: it undermines the morale of one group while perpetuating the prejudice of the other; schools in minority areas are almost invariably in poor condition and with the least experienced staffs; and the Negro child loses his aspirations from a feeling of being cut off from society and set apart with few opportunities. It has been shown that white girls who attended an integrated school were more open and less categorical in their attitudes towards Negroes than girls from all-white schools.

A statistical estimate shows many schools in Milwaukee to have a heavy racial imbalance. These segregated schools have caused a great deal of retardation and dropout among nonwhite students. Milwaukee maintains such policies as neighborhood schools, school building plans, zoning, hiring Negroes only for predominantly Negro schools, and segregated transfers which increase the amount of de facto segregation.

The NAACP demands that action be taken to integrate the Milwaukee schools. Some policies which could be used are: rezoning to achieve integration, reorganizing the schools to extend areas reached by them, changing feeder patterns of elementary to secondary schools, and carefully selecting sites of new schools.

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DE FACTO SCHOOL SEGREGATION IN MILWAUKEE

A report presented to

The Milwaukee Board of School Directors

Special Committee on Equality of Educational Opportunity

by

The Wisconsin Conference of Branches

of the

National Association for the Advancement of Colored People

December 10, 1963

Atty. Lloyd A. Barbee
President

Dr. Morgan Gibson
Chairman, Education Committee

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INTRODUCTION

On July 25, 1963, representatives of the National Association for the Advancement of Colored People met with Mr. Angus B. Rothwell, State Superintendent of Public Instruction, to urge him

(1) to recognize the existence of de facto school segregation in Wisconsin,

(2) to recognize its harmful socio-psychological and academic effects on children of all races,

(3) to issue an order for the elimination of de facto school segregation throughout the state, and

(4) to assist local school boards in devising plans for integrating the schools as speedily as possible.

On September 5, 1963, Mr. Rothwell replied that though "there still remain inequalities of educational opportunity in Wisconsin" and "there are some schools in Wisconsin - Milwaukee in particular - where there is a preponderance of Negro pupils," he had found "no evidence of discrimination." He completely evaded our argument that such "preponderance of Negro pupils" (in some schools virtually 100%) constitutes segregation in fact, regardless of the cause, that it works a severe hardship on the children, and that therefore it is discriminatory. By evading his responsibility for eliminating de facto school segregation and the inequalities of educational opportunity resulting from it, he left the NAACP with no alternative but to approach the Milwaukee Board of School Directors.

In this Report we present

(1) the general position of the NAACP on de facto school segregation,

(2) an authoritative survey of contemporary social-scientific opinion concerning the effects of school segregation on children,

(3) an analysis of de facto school segregation in Milwaukee, and

(4) our proposals that the Board recognize the problem, adopt an explicit policy of integrating the schools, and take speedy steps to put that policy into effect.

We had hoped that the Milwaukee Board of School Directors would demonstrate their good faith by confronting this serious problem head on and taking swift steps to solve it. However the Board has already confused the issue by creating a Committee on "Equality of Educational Opportunity," thus submerging the specific and fundamental problems. The Chairman of the Committee, Mr. Harold W. Story, has erected an arbitrary and completely unjustified barrier between "academic and administrative" problems on the one hand and "sociological" problems on the other, forcing the implication that de facto segregation, which he has chosen to place in the "sociological" category, has no administrative causes or academic effects, that segregation is not a responsibility for school officials, and that the answer to our complaints lies in schemes for compensatory education rather than racial integration. We shall demonstrate in this Report that de facto segregation damages students educationally as well as socially, and psychologically, and that school administrators have a serious responsibility to integrate the schools.

In addition to the arbitrary and confusing operation of the Special Committee, we must point out that two members have offended fair minded people of both races by playing upon racial anxieties, suspicions, and hostilities. A member of the School Board has been quoted in the press as saying that inner core children sometimes "don't understand our plumbing. You have urination in water bubblers. This type of thing requires a very basic approach to all this." Does this type of remark inspire confidence in the impartiality of the School Board? We believe that it reveals deep-seated racial attitudes that may seriously jeopardize the School Board's efforts to understand de facto segregation. Moreover, the chairman of Milwaukee's Special Committee on Educational Opportunity has defined racial integration as "compulsory co-mingling of white and non-white." Our basic approach is to refute these prejudicial and stereotyped views on the assumption that racial integration is indispensible for personal freedom in a democratic society. If

public schools are to offer equal educational opportunity, if they are to prepare students for citizenship in a democracy, if they are to nurture each student's talents so that he may develop into a free individual, then de facto segregation must go.

THE POSITION OF THE NAACP ON DE FACTO SCHOOL SEGREGATION

At its 54th Annual Convention, held in Chicago from July 1 to July 6, 1963, the NAACP passed a resolution on "Jim Crow Schools in the North and West" from which the following is excerpted:

> Segregated schools, whether innocent or intended, are psychologically and educationally harmful to children, Negro and white, and are inconsistent with the basic objectives of democratic education and violate the May 17, U. S. Supreme Court decision. De facto segregation in public education can no longer be accepted or excused as the inevitable result of segregated housing. School officials have an educational and legal responsibility to end segregation, regardless of the causes, to the fullest extent possible.
>
> As the direct result of NAACP activity, the New Jersey and New York Commissioners of Education have directed local school officials to end racial imbalances even though segregation had not resulted from purposeful actions. Similarly, the California State Board of Education has amended school codes to achieve desegregation.

And the Eleventh Annual Fall Conference of Wisconsin NAACP Branches, meeting in Milwaukee on October 19, 1963, resolved:

> That the Wisconsin Conference of NAACP Branches demands that state and local school officials
>
> (a) recognize the existence of de facto school segregation in Wisconsin cities, primarily in Milwaukee,
>
> (b) recognize the serious psychological, social, cultural, and academic damage to students, teachers, and the entire citizenry resulting from it,
>
> (c) develop policies for the desegregation of the schools, and
>
> (d) put these policies into effect in order to integrate the schools as soon as possible.
>
> We call for an amendment to state law abolishing and prohibiting de facto segregation and racial imbalance in Wisconsin public schools, and we emphatically reaffirm our conviction that there is no substitute for genuine school integration, and that hastily-conceived stopgap measures or remedial programs no matter how desirably presented or ably camouflaged, remain totally inadequate and unacceptable.

The school board is morally, educationally, and legally responsible for eliminating de facto segregation. The United States Supreme Court in Brown vs. Board of Education, 347 U.S. 483, declared public school segregation unconstitutional. The court said:

> We conclude that in the field of public education the doctrine of "Separate but Equal" has no place. Separate educational facilities are inherently unequal.

Segregated public education is incompatible with the requirements of the 14th Amendment to the Constitution of the United States, when that incompatibility is attributable to state action. The decisive constitutional fact is the invalidity of segregated education.

Neither the purposefulness nor deliberateness of segregation, nor a showing of the inequality of the physical facilities is crucial to the sustenance of constitutional claims. The harmful educational deprivations, cited by the United States

Supreme Court in Brown vs. Board of Education, in holding that equal educational opportunities cannot be secured in a segregated school system maintained pursuant to state law, are no less pernicious where the discrimination is the casual result of educational policies and procedures that necessarily produce separate Negro and white schools. Brown vs. Board of Education, struck down segregation in education free from the onus of discrimination.

The Constitution's antipathy to racial segregation and discrimination is no mere pro forma abstract legalism, but is an effective proscription against segregation and discrimination pursuant to state authority in whatever manner of form it may be manifested. The crucial issue is not whether it is more convenient for the school authorities to persist in patterns, regulations, and policies that produce segregated schools, but the extent and degree to which they can be required, based upon yardsticks of reasonableness and orderly administration, to take steps to alleviate and remedy the problem.

On August 16, 1963, the California Attorney General gave an opinion that local school boards had the right to consider a student's race for purposes of helping him, but not for hurting his educational opportunities.

This opinion was given in response to a question from the president of the California Board of Education. The question arose because of a board of Education resolution last year saying that local districts should create racially balanced schools.

California's Attorney General does not accept the argument that the Constitution is "color blind" and that school officials are prevented from even taking notice of a student's race. Instead he holds that decisions of the United States and California's Supreme Courts have taken notice of the emotional crippling which segregation brings to students of minority races. These effects obtain whether segregation results from public policy as in the South, from neighborhood patterns as in the North. (See text of Opinion, page 4).

The concept of neighborhood schools is not sacrosanct nor so rigid as to be incapable of change, nor was it ever intended to be misused to justify or explain away segregation. The Neighborhood School Policy must be flexible and adapted through rezoning and other administrative efforts to end and prevent racial segregation. This position has been taken by other School Boards, educators and legislators. We quote from page 12, Civil Rights U.S.A., Public Schools Cities in the North and West 1963 Camden and Environs, published by the United States Commission on Civil Rights.

> "Thomas P. Cook, Counsel to your organization, excellently summarized the policy of this administration and noted that--"every board of education has a legal duty to eliminate 'de facto' segregation".
>
> Thomas Cook's analysis correctly states the fact that the neighborhood school concept remains as the basic educational policy. However, we must remember that with all its virtues the neighborhood concept must be reasonably applied so as to assure that fundamental objective of American life--equal opportunity under the law; for all children. As I previously stated: "While the preservation of the neighborhood school policy is essential, where it collides with the concept of equality in education opportunity, its adaption to circumstances to prevent 'de facto' segregation is not only necessary, but normally feasible."

The Governor of Illinois signed House Bill 113 on June 13, 1963. This law requires all School Boards in Illinois to review school attendance areas as soon as practicable and to change or revise existing school zones to eliminate segregation in the public schools. This legislation further requires avoidance of segregation in erecting, purchasing or otherwise acquiring buildings for school purposes. Thus our southern neighboring state places an affirmative duty on school boards to change existing attendance boundaries in order to prevent segregation in public schools. Other states which have adopted broad but clear policies against racial imbalance or de facto segregation had done so through their Commissioners of Education, State Boards of Education, and City Boards of Education. We must do nothing less in Wisconsin, beginning with the Milwaukee Board of School Directors NOW.

OFFICE OF THE ATTORNEY GENERAL
State of California

STANLEY MOSK
Attorney General

OPINION

of

STANLEY MOSK
Attorney General
ROBERT E. BURKE
Deputy Attorney General

No. 63/101

August 15, 1963

THE HONORABLE THOMAS W. BRADEN, PRESIDENT OF THE STATE BOARD OF EDUCATION, has requested an opinion on the following question:

May the governing board of a school district consider race as a factor in adopting a school attendance plan, if the purpose of considering the racial factor is to effect desegregation in the schools?

The conclusion is:

The governing board of a school district may consider race as a factor in adopting a school attendance plan, if the purpose of considering the racial factor is to effect desegregation in the schools, and the plan is reasonably related to the accomplishment of that purpose.

ANALYSIS

The answer is found in the unanimous decision of The Supreme Court of California in Jackson v. Pasadena City School District, 59 A.C. 905, decided June 27, 1963.

In that case the plaintiff, a 13-year old Negro boy, brought a mandamus proceeding to compel the defendant school district to permit him to transfer from a predominantly Negro junior high school to another junior high school. He alleged that the board of education had gerrymandered attendance zones for the purpose of instituting, maintaining, and intensifying racial segregation at the school that he was required to attend. The supreme court held that these facts, if proved, entitled plaintiff to relief, and hence the trial court had erred in sustaining defendants' demurrer to the complaint.

In the course of its opinion the court said, at pages 910-11:

> "Although it is alleged that the board was guilty of intentional discriminatory action, it should be pointed out that even in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have. Residential segregation is in itself an evil which tends to frustrate the youth in the area and to cause antisocial attitudes and behavior. Where such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis without corrective measures. The right to an equal opportunity for education and the harmful consequences of segregation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause. Our State Board of Education has adopted regulations which encourage transfers to avoid and eliminate racial segregation (Cal.

> Admin. Code, tit. 5, §§ 2010, 2011[1]), and transfers for that purpose are provided for in New York City and elsewhere (see 1961 U.S. Commission on Civil Rights Report, Book 2, Education, pp. 104-107)." (Emphasis added.)

The question whether school officials may consider race in establishing attendance areas for the purpose of reducing de facto segregation recurs,[2] we think, because of the temptation to apply literally the inspired metaphor of the first Mr. Justice Harlan in his dissenting opinion in Plessy v. Ferguson, 163 U.S. 537, 559 (1896):

> "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. . . ."

Mr. Justice Harlan's dissent was directed against the "separate but equal" doctrine first announced in Plessy. Brown v. Board of Education, 347 U.S. 483 (1954), rejected that doctrine in explicit recognition that separate educational facilities are inherently unequal. The court did not then and has not since applied the abstract generalization that in every sense the Constitution is "color-blind."

Rejection of Plessy did not convert Justice Harlan's metaphor into a constitutional dogma which compels the striking down of affirmative steps to accomplish the purpose of the Fourteenth Amendment. Only invidious discrimination is forbidden.[3] "Our Constitution is color-blind" was Justice Harlan's admonition

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[1] "California Administrative Code, title 5, section 2010, provides: 'STATE BOARD POLICY. It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to avoid and eliminate segregation of children on account of race or color.'

"California Administrative Code, title 5, section 2011, provides: 'ESTABLISHMENT OF SCHOOL ATTENDANCE AREAS AND SCHOOL ATTENDANCE PRACTICES IN SCHOOL DISTRICTS. For the purpose of avoiding, insofar as practicable, the establishment of attendance areas and attendance practices which in practical effect discriminate upon an ethnic basis against pupils or their families on which in practical effect tend to establish or maintain segregation on an ethnic basis, the governing board of a school district in establishing attendance areas and attendance practices in the district shall include among the factors considered the following: (a) The ethnic composition of the residents in the immediate area of the school. (b) The ethnic composition of the residents in the territory peripheral to the immediate area of the school. (c) The effect on the ethnic composition of the student body of the school based upon alternate plans for establishing the attendance area or attendance practice. (d) The effect on the ethnic composition of the student body of adjacent schools based upon alternate plans for establishing an attendance area or an attendance practice. (e) The effect on the ethnic composition of the student body of the school and of adjacent schools of the use of transportation presently necessary and provided either by a parent or the district.'" [Footnote by the Court]

[2] On February 1, 1963, we advised the State Superintendent of Public Instruction, in response to his inquiry, that the regulations of the Board of Education quoted in the court's footnote are constitutional.

[3] See Goss v. Board of Education, 83 Sup.Ct. 1405 (June 3, 1963), and the cases there cited, at page 1408, which "reflect a variety of instances in which racial classifications have been held to be invalid," all of which involved segregation schemes, or other schemes in furtherance of invidious discriminations.

All of the reported decisions following Brown that struck down racial classifications for school attendance purposes similarly concerned racial classifications which served a segregation purpose. See, e.g., Dillard v. School Board [of City of Charlottesville, Va.], 308 F.2d 920, [at] 923 (4th Cir. 1962); Boson v. Rippy, 285 F.2d 43, [at] 46 (5th Cir. 1960); Borders, v. Rippy, 247 F.2d 268, 271 (5th Cir. 1957); Clemons v. Board of Education [of Hillsboro], 228 F.2d 853 [generally] (6th Cir. 1956).

against the "separate but equal" doctrine. To decide that the combined thinking and efforts of persons of all races may not recognize a present inequality as the starting point in a program designed to help achieve that equality which Justice Harlan sought would be to conclude not merely that the Constitution is color-blind, but that it is totally blind.

That Mr. Justice Harlan did not understand the Fourteenth Amendment to require that the states adopt a posture of absolute neutrality in matters of racial relations was made abundantly clear in his dissenting opinion in the Civil Rights Cases, 109 U.S. 3 (1883). In disagreement with the opinion of the majority, which held unconstitutional the United States Civil Rights Act of 1875, forbidding racial discrimination in places of public accommodation, Mr. Justice Harlan wrote at page 61:

> "My brethren say, that when a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. It is, I submit, scarcely just to say that the colored race has been the special favorite of the laws. The statute of 1875, now adjudged to be unconstitutional, is for the benefit of citizens of every race and color. What the nation, through Congress, has sought to accomplish in reference to that race, is--what had already been done in every State of the Union for the white race--to secure and protect rights belonging to them as freemen and citizens; nothing more. It was not deemed enough 'to help the feeble up, but to support him after.' The one underlying purpose of congressional legislation has been to enable the black race to take the rank of mere citizens. The difficulty has been to compel a recognition of the legal right of the black race to take the rank of citizens, and to secure the enjoyment of privileges belonging, under the law, to them as a component part of the people for whose welfare and happiness government is ordained. . . ." (Emphasis added.)

The United States Supreme Court in Brown v. Board of Education and the Supreme Court of California in Jackson v. Pasadena City School District took judicial notice that school segregation results in the emotional crippling of students of minority races. Whether segregation is the result of state policy or merely reflective of neighborhood condition makes little difference to its victims.[4]

In recognition of the problem, state education officials in New York, New Jersey, and California have adopted regulations and have rendered administrative decisions that require school boards to take steps to eliminate de facto segregation.[5] Such action requires that the state be color-conscious and not color-blind.

On the other hand, it has been contended that consideration of race, regardless of

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[4] Many authorities point out the deleterious effects of school segregation, regardless of its origin: K. B. Clark, Prejudice and Your Child (1955), p. 87; Frazier, The Negro in the United States (1949), p. 677; Witmer and Kotinsky, Personality in the Making: The Fact-Finding Report of the Mid-Century White House Conference on Children and Youth (1952), ch. 6, McIntire, Residence and Race (1960), pp. 96-98.

[5] California: Cal. Admin. Code title 5, §§ 2010, 2011;

New Jersey: Booker v. Board of Education of Plainsfield, N. J., (1963); Fisher v. Board of Education of Orange, N.J., (1963) decisions of New Jersey Commissioner of Education;

New York: In the Matter of the Appeal of Mitchell v. Board of Education of Union Free School District Number 12 of the Town of Hempstead (1963); Regulations of State Education Commissioner, Guiding Principles for Securing Racial Balance in Public Schools, June 14, 1963.

its purpose, is unconstitutional.[6] This contention is based in part on cases relating to neighborhood, public housing and employment quota systems.[7]

The question with which we are concerned differs from that raised by quota systems in housing and employment. The vice of quota systems is that once the quota for a particular race or other group is filled, other members of the group are improperly excluded from buying or renting a home, or from working. Consideration of race as one factor in drawing school attendance zones does not presuppose a quota system whereby any student would be deprived of the right to attend school because of his race.

It seems clear that the Constitution does not require the states to ignore the social and psychological problems that may result from de facto as well as de jure segregation in the public schools. To the contrary in Jackson, the Supreme Court of this State has determined that school authorities are required, where feasible, to take some affirmative steps to alleviate de facto segregation, and in so doing that court swept aside the contention that consideration of race for this purpose is unconstitutional.

The answer to the suggestion that this view of the Constitution may create more problems than it will solve is contained in the dissenting opinion of Mr. Justice Holmes, in Truax v. Corrigan, 257 U.S. 312, 344 (1921):

> "There is nothing that I more deprecate than the use of the Fourteenth Amendment beyond the absolute compulsion of its words to prevent the making of social experiments that an important part of the community desires, in the insulated chambers afforded by the several States, even though the experiments may seem futile or even noxious to me and to those whose judgment I most respect. . . ."

Mr. Justice Holmes wrote of a state labor law. What he said applies with special emphasis to social experiments designed to effectuate the purpose of the Fourteenth Amendment in the field of race relations.

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[6] Bittker, The Case of the Checker-Board Ordinance: An Experiment in Race Relations, 71 Yale L.J. 1387, 1387-1392, 1408-1423 (1962); Note, Benign Quotas: A Plan for Integrated Housing, 70 Yale L.J. 126 (1960); but see Hellerstein, The Benign Quota, Equal Protection, and "The Rule in Shelly's Case," 17 Rutgers L. Rev. 531 (1963); See dictum in Bell v. School City of Gary, Ind., 213 F. Supp. 819 (1963).

[7] Progress Dev. Corp. v. Mitchell, 182 F. Supp. 681 (N.D. Ill. 1960) (neighborhood: see Note, 70 Yale L.J. 126, supra); Banks v. Housing Authority of San Francisco, 120 Cal. App. 2d 1 (1953), cert. denied, 347 U.S. 974 (1954) (public housing); Hughes v. Superior Court, 32 Cal. 2d 850 (1948), aff'd. 339 U.S. 460 (1950) (employment).

* * * * * * *

EFFECTS OF SCHOOL SEGREGATION ON CHILDREN

Ever since the 1950 White House Conference on Children and Youth, professional opinion of nearly all social scientists and many educators has been that segregation, whether the result of law, custom, or housing patterns, damages both Negro and white children socially, psychologically, culturally, and educationally. The conclusions of this Conference were of such great importance that they were summed up in the APPENDIX TO APPELLANTS' BRIEFS in the 1954 United States Supreme Court Decision on school desegregation. Later in this Report we shall deal with the legal implications of the 1954 Decision with respect to de facto segregation; here we quote from the APPENDIX, which was signed by thirty-two top social scientists, in order to present the prevailing authoritative opinion concerning the damaging effects of segregation, which are substantially the same regardless of the cause of segregation.

Excerpts

APPENDIX TO APPELLANTS' BRIEFS

The Public School Segregation Cases
Argued in the United States Supreme Court
Decision of May 17, 1954

At the recent Mid-century White House Conference on Children and Youth, a fact-finding report on the effects of prejudice, discrimination and segregation on the personality development of children was prepared as a basis for some of the deliberations.[2] This report brought together the available social science and psychological studies which were related to the problem of how racial and religious prejudices influenced the development of a healthy personality. It highlighted the fact that segregation, prejudices and discriminations, and their social concomitants potentially damage the personality of all children--the children of the majority group in a somewhat different way than the more obviously damaged children of the minority group.

The report indicates that as minority group children learn the inferior status to which they are assigned--as they observe the fact that they are almost always segregated and kept apart from others who are treated with more respect by the society as a whole--they often react with feelings of inferiority and a sense of personal humiliation. Many of them become confused about their own personal worth. On the other hand, like all other human beings they require a sense of personal dignity; on the other hand, almost nowhere in the larger society do they find their own dignity as human beings respected by others. Under these conditions, the minority group child is thrown into a conflict with regard to his feelings about himself and his group. He wonders whether his group and he himself are worthy of no more respect than they receive. This conflict and confusion leads to self-hatred and rejection of his own group.

The report goes on to point out that these children must find ways with which to cope with this conflict. Not every child, of course, reacts with the same patterns of behavior. The particular pattern depends upon many interrelated factors, among which are: the stability and quality of his family relations; the social and economic class to which he belongs; the cultural and educational background of his parents; the particular minority group to which he belongs; his personal characteristics, intelligence, special talents, and personality pattern.

Some children, usually of the lower socio-economic classes, may react by overt aggressions and hostility directed toward their own group or members of the dominant group.[3] Anti-social and delinquent behavior may often be interpreted as reactions to these racial frustrations. These reactions are self-destructive in that the larger society not only punishes those who commit them, but often interprets such aggressive and anti-social behavior as justification for continuing prejudice and segregation.

Middle class and upper class minority group children are likely to react to their racial frustrations and conflicts by withdrawal and submissive behavior. Or, they may react with compensatory and rigid conformity to the prevailing middle class values and standards and an aggressive determination to succeed in these terms in spite of the handicap of their minority status.

The report indicates that minority group children of all social and economic classes often react with a generally defeatist attitude and a lowering of personal ambitions. This, for example, is reflected in a lowering of pupil morale and a depression of the educational aspiration level among minority group children in segregated schools. In producing such effects, segregated schools impair the ability of the child to profit from the educational opportunities provided him.

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[2] Clark, K.B., Effect of Prejudice and Discrimination on Personality Development, Fact Finding Report Mid-Century White House Conference on Children and Youth, Children's Bureau, Federal Security Agency, 1950 (mimeographed).

[3] Brenman, M., The Relationship Between Minority Group Identification in a Group of Urban Middle Class Negro Girls. J. Soc. Psychol., 1940, 11, 171-197; Brenman, M., Minority Group Membership and Religious, Psychosexual and Social Patterns in a Group of Middle-Class Negro Girls, J. Soc. Psychol., 1940, 12, 179-196; Brenman, M., Urban Lower Class Negro Girls, Psychiatry, 1943, 6, 307-324; Davis A., The Socialization of the American Negro Child and Adolescent, J. Negro Educ., 1939, 8, 264-275.

Many minority group children of all classes also tend to be hypersensitive and anxious about their relations with the larger society. They tend to see hostility and rejection even in those areas where these might not actually exist.

The report concludes that while the range of individual differences among members of a rejected minority group is as wide as among other peoples, the evidence suggests that all of these children are unnecessarily encumbered in some ways by segregation and its concomitants.

With reference to the impact of segregation and its concomitants on children of the majority group, the report indicates that the effects are somewhat more obscure. Those children who learn the prejudices of our society are also being taught to gain personal status in an unrealistic and non-adaptive way. When comparing themselves to members of the minority group, they are not required to evaluate themselves in terms of the more basic standards of actual personal ability and achievement. The culture permits and, at times, encourages them to direct their feelings of hostility and aggression against whole groups of people, the members of which are perceived as weaker than themselves. They often develop patterns of guilt feelings, rationalizations and other mechanisms which they must use in an attempt to protect themselves from recognizing the essential injustice of their unrealistic fears and hatreds of minority groups.[4]

The report indicates further that confusion, conflict, moral cynicism, and disrespect for authority may arise in majority group children as a consequence of being taught the moral, religious and democratic principles of the brotherhood of man and the importance of justice and fair play by the same persons and institutions who, in their support of racial segregation and related practices, seem to be acting in a prejudiced and discriminatory manner. Some individuals may attempt to resolve this conflict by intensifying their hostility toward the minority group. Others may react by guilt feelings which are not necessarily reflected in more humane attitudes toward the minority group. Still others react by developing an unwholesome, rigid, and uncritical idealization of all authority figures--their parents, strong political and economic leaders. As described in The Authoritarian Personality[5] they despise the weak, while they obsequiously and unquestioningly conform to the demands of the strong whom they also, paradoxically, subconsciously hate.

With respect to the setting in which these difficulties develop, the report emphasized the role of the home, school, and other social institutions. Studies[6] have shown that from the earliest school years children are not only aware of the status differences among different groups in the society but begin to react with the patterns described above.

Conclusions similar to those reached by the Mid-century White House Conference Report have been stated by other social scientists who have concerned themselves with this problem. The following are some examples of these conclusions:

Segregation imposes upon individuals a distorted sense of social reality.[7]

Segregation leads to a blockage in the communications and interaction between the two groups. Such blockages tend to increase mutual suspicion, distrust and hostility.[8]

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[4]Adorno, T. W.; Frenkel-Brunswik, E.; Levinson, D.J.; Sanford, R.N., The Authoritarian Personality, 1951.

[5]Adorno, T.W.; Frenkel-Brunswik, E.; Levinson, D.J.; Sanford, R.N., The Authoritarian Personality, 1951.

[6]Clark, K.B. & Clark, M.P., Emotional Factors in Racial Identification and Preference in Negro Children, J. Negro Educ., 1950, 19, 341-350; Clark, K.B. & Clark, M.P., Racial Identification and Preference in Negro Children, Readings in Social Psychology, Ed. by Newcomb & Hartley, 1947; Radke, M.; Trager, H.; Davis, H., Social Perceptions and Attitudes of Children, Genetic Psychol. Monog., 1949, 40, 327-447; Radke, M.; Trager, H.; Children's Perceptions of the Social Role of Negroes and Whites, J. Psychol., 1950, 29, 3-33.

[7]Reid, Ira, What Segregated Areas Mean; Brameld, T., Educational Cost, Discrimination and National Welfare, Ed. by MacIver, R.M., 1949.

[8]Frazier, E., The Negro in the United States, 1949; Krech, D. & Crutchfield, R.S., Theory and Problems of Social Psychology, 1948; Newcomb, T., Social Psychology, 1950.

Segregation not only perpetuates rigid stereotypes and reinforces negative attitudes toward members of the other group, but also leads to the development of a social climate within which violent outbreaks of racial tensions are likely to occur.9/

We return now to the question, deferred earlier, of what it is about the total society complex of which segregation is one feature that produces the effects described above--or, more precisely, to the question of whether we can justifiably conclude that, as only one feature of a complex social setting, segregation is in fact a significantly contributing factor to these effects.

To answer this question, it is necessary to bring to bear the general fund of psychological and sociological knowledge concerning the role of various enviornmental influences in producing feelings of inferiority, confusions in personal roles, various types of basic personality structures and the various forms of personal and social disorganization.

On the basis of this general fund of knowledge, it seems likely that feelings of inferiority and doubts about personal worth are attributable to living in an underprivileged environment only insofar as the latter is itself perceived as an indicator of low social status and as a symbol of inferiority. In other words, one of the important determinants in producing such feelings is the awareness of social status difference. While there are many other factors that serve as reminders of the differences in social status, there can be little doubt that the fact of enforced segregation is a major factor.10/

This seems to be true for the following reasons among others: (1) because enforced segregation results from the decision of the majority group without the consent of the segregated and is commonly so perceived; and (2) because historically segregation patterns in the United States were developed on the assumption of the inferiority of the segregated.

In addition, enforced segregation gives official recognition and sanction to these other factors of the social complex, and thereby enhances the effects of the latter in creating the awareness of social status differences and feelings of inferiority.11/ The child who, for example, is compelled to attend a segregated school may be able to cope with ordinary expressions of prejudice by regarding the prejudiced person as evil or misguided; but he cannot readily cope with symbols of authority, the full force of the authority of the State--the school or the school board, in this instance--in the same manner. Given both the ordinary expression of prejudice and the school's policy of segregation, the former takes on greater force and semmingly becomes an official expression of the latter.

Not all of the psychological traits which are commonly observed in the social complex under discussion can be related so directly to the awareness of status differences--which in turn is, as we have already noted, materially contributed to by the practices of segregation. Thus, the low level of aspiration and defeatism so commonly observed in segregated groups is undoubtedly related to the level of self-evaluation; but it is also, in some measure, related among other things to one's expectations with regard to opportunities for achievement, and, having achieved, to the opportunities for making use of these achievements. Similarly, the hypersensitivity and anxiety displayed by many minority group children about their relations with the larger society probably reflects their awareness of status differences; but it may also be influenced by the relative absence of opportunities for equal status contact which would provide correctives for prevailing unrealistic stereotypes.

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9 Lee, A. McClung and Humphrey, N. D., Race Riot, 1943.

10 Frazier, E., The Negro in the United States, 1949; Myrdal, G., An American Dilemma, 1944.

11 Reid, Ira, What Segregated Areas Mean, Discrimination and National Welfare, Ed. by MacIver, R. M., 1949.

The preceding view is consistent with the opinion stated by a large majority (90%) of social scientists who replied to a questionnaire concerning the probable effects of enforced segregation under conditions of equal facilities. This opinion was that, regardless of the facilities which are provided, enforced segregation is psychologically detrimental to the members of the segregated group.[12]

Similar considerations apply to the question of what features of the social complex of which segregation is a part contribute to the development of the traits which have been observed in majority group members. Some of these are probably quite closely related to the awareness of status differences to which, as has already been pointed out, segregation makes a material contribution. Others have a more complicated relationship to the total social setting. Thus, the acquisition of an unrealistic basis for self-evaluation as a consequence of majority group membership probably reflects fairly closely the awareness of status differences. On the other hand, unrealistic fears and hatreds of minority groups, as in the case of the converse phenomenon among minority group members, are probably significantly influenced as well by the lack of opportunities for equal status contact.

With reference to the probable effects of segregation under conditions of equal facilities on majority group members, many of the social scientists who responded to the poll in the survey cited above felt that the evidence is less convincing than with regard to the probable effects of such segregation on minority group members, and the effects are possibly less widespread. Nonetheless, more than 80% stated it as their opinion that the effects of such segregation are psychologically detrimental to the majority group members.[13]

It may be noted that many of these social scientists supported their opinions on the effects of segregation on both majority and minority groups by reference to one or another or to several of the following four lines of published and unpublished evidence.[14] First, studies of children throw light on the relative priority of the awareness of status differentials in facilities. On this basis, it is possible to infer some of the consequences of segregation as distinct from the influence of inequalities of facilities. Second, clinical studies and depth interviews throw light on the genetic sources and causal sequences of various patterns of psychological reaction; and, again, certain inferences are possible with respect to the effects of segregation per se. Third, there actually are some relevant but relatively rare instances of segregation with equal or even superior facilities, as in the cases of certain Indian reservations. Fourth, since there are inequalities of facilities in racially and ethnically homogeneous groups, it is possible to infer the kinds of effects attributable to such inequalities in the absence of effects of segregation and, by a kind of subtraction to estimate the effects of segregation per se in situations where one finds both segregation and unequal facilities.

III

Segregation is at present a social reality. Questions may be raised, therefore, as to what are the likely consequences of desegregation.

One such question asks whether the inclusion of an intellectually inferior group may jeopardize the education of the more intelligent group by lowering educational standards or damage the less intelligent group by placing it in a situation where it is at a marked competitive disadvantage. Behind this question is the assumption, which is examined below, that the presently segregated group actually are inferior intellectually.

The available scientific evidence indicates that much, perhaps all, of the observable differences among various racial and national groups may be adequately

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[12] Deutscher, M. and Chein, I., The Psychological Effects of Enforced Segregation: A Survey of Social Science Opinion, J. Psychol., 1948, 26, 259-287.

[13] Deutscher, M. and Chein, I., The Psychological Effects of Enforced Segregation: A Survey of Social Science Opinion, J. Psychol., 1948, 26, 259-287.

[14] Chein, I., What Are the Psychological Effects of Segregation Under Conditions of Equal Facilities? International J. Opinion and Attitude Res., 1949, 2, 229-234.

explained in terms of environmental differences. 15/ It has been found, for instance, that the differences between the average intelligence test scores of Negro and white children decrease, and the overlap of the distributions increases, proportionately to the number of years that the Negro children have lived in the North. 16/ Related studies have shown that this change cannot be explained by the hypothesis of selective migration. 17/ It seems clear, therefore, that fears based on the assumption of innate racial differences in intelligence are not well founded.

It may also be noted in passing that the argument regarding the intellectual inferiority of one group as compared to another is, as applied to schools, essentially an argument for homogeneous groupings of children by intelligence rather than by race. Since even those who believe that there are innate differences between Negroes and whites in America in average intelligence grant that considerable overlap between the two groups exists. It would follow that it may be expedient to group together the superior whites and Negroes, the average whites and Negroes, and so on. Actually, many educators have come to doubt the wisdom of class groupings made homogeneous solely on the basis of intelligence. 18/ Those who are opposed to such homogeneous grouping believe that this type of segregation, too, appears to create generalized feelings of inferiority in the child who attends a below average class, leads to undesirable emotional consequences in the education of the gifted child, and reduces learning opportunities which result from the interaction of individuals with varied gifts.

A second problem that comes up in an evaluation of the possible consequences of desegregation involves the question of whether segregation prevents or stimulates interracial tension and conflict and the corollary question of whether desegregation has one or the other effect.

The most direct evidence available on this problem comes from observations and systematic study of instances in which desegregation has occurred. Comprehensive reviews of such instances 19/ clearly establish the fact that desegregation has been carried out successfully in a variety of situations although outbreaks of violence had been commonly predicted. Extensive desegregation has taken place without major incidents in the armed services both in Northern and Southern installations and involving officers and enlisted men from all parts of the country, including the South. 20/ Similar changes have been noted in housing 21/

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[15] Klineberg, O., Characteristics of American Negro, 1945; Klineberg, O., Race Differences, 1936.

[16] Klineberg, O., Negro Intelligence and Selective Migration, 1935.

[17] Klineberg, O., Negro Intelligence and Selective Migration, 1935.

[18] Brooks, J. J., Interage Grouping on Trial-Continuous Learning, Bulletin #87, Association for Childhood Education, 1951; Lane, R.H., Teacher in Modern Elementary School, 1941; Educational Policies Commission of the National Education Association and the American Association of School Administration Report in Education for All Americans, published by the N. E. A., 1948.

[19] Delano, W., Grade School Segregation: The Latest Attack on Racial Discrimination, Yale Law Journal, 1952, 61, 5, 730-744; Rose, A., The Influence of Legislation on Prejudice; Chapter 53 in Race Prejudice and Discrimination, Ed. by Rose, A., 1951; Rose, A., Studies in Reduction of Prejudice, Amer. Council on Race Relations, 1948.

[20] Kenworthy, E. W., The Case Against Army Segregation, Annals of the American Academy of Political and Social Science, 1951, 275, 27-33; Nelson, Lt. D.D., The Integration of the Negro in the U.S. Navy, 1951; Opinions About Negro Infantry Platoons in White Companies in Several Divisions. Information and Education Division, U.S. War Department, Report No. B-157, 1945.

[21] Conover, R.D., Race Relations at Codornices Village, Berkeley-Albany, California: A Report of the Attempt to Break Down the Segregated Pattern on a Directly Managed Housing Project, Housing and Home Finance Agency, Public Housing Administration, Region 1, December 1947 (mimeographed); Deutsch, M. and Collins, M.E., Interracial Housing, A Psychological Study of a Social Experiment, 1951; Rutledge, E., Integration of Racial Minorities in Public Housing Projects: A Guide for Local Housing Authorities On How to Do It, Public Housing Administration, New York Field Office (mimeographed).

and industry.22/ During the last war, many factories both in the North and South hired Negroes on a non-segregated non-discriminatory basis. While a few strikes occurred, refusal by management and unions to yield quelled all strikes within a few days.23/

Relevant to this general problem is a comprehensive study of urban race riots which found that race riots occurred in segregated neighborhoods, whereas there was no violence in sections of the city where the two races lived, worked and attended school together. 24/

Under certain circumstances desegregation not only proceeds without major difficulties, but has been observed to lead to the emergence of more favorable attitudes and friendlier relations between races. Relevant studies may be cited with respect to housing,25/ employment,26/ the armed services 27/and merchant marine, 28/recreation agency,29/ and general community life.30/

Much depends, however, on the circumstances under which members of previously segregated groups first come in contact with others in unsegregated situations. Available evidence suggests, first, that there is less likelihood of unfriendly relations when the change is simultaneously introduced into all units of a social institution to which it is applicable--e.g., all of the schools in a school system or all of the shops in a given factory.31/ When factories introduced

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22 Minard, R. D., The Pattern of Race Relationships in the Pocahontas Coal Field, J. Social Issues, 1952, 8, 29-44; Southall, S.E. Industry's Unfinished Business, 1951; Weaver, G.L.P., Negro Labor, A National Problem, 1941.

23 Southall, S.E., Industry's Unfinished Business, 1951; Weaver, G.L.P., Negro Labor, A National Problem, 1941.

24 Lee, A.,McClung and Humphrey, N.D., Race Riot, 1943; Lee, A. McClung, Race Riots Aren't Necessary, Public Affairs Pamphlet, 1945.

25 Deutsch, M. and Collins, M.E., Interracial Housing, A Psychological Study of A Social Experiment, 1951; Merton, R.K.; West, P.S.; Jahoda, M., Social Fictions and Social Facts: The Dynamics of Race Relations in Hilltown, Bureau of Applied Social Research, Columbia Univ., 1949 (mimeographed); Rutledge, E., Integration of Racial Minorities in Public Housing Projects; A Guide for Local Housing Authorities on How To Do It, Public Housing Administration, New York Field Office (mimeographed); Wilner, D.M.; Walkley, R.P.; and Cook, S.W., Intergroup Contact and Ethnic Attitudes in Public Housing Projects, J. Social Issues, 1952, 8, 45-69.

26 Harding, J.,and Hogrefe, R., Attitudes of White Department Store Employees Toward Negro Co-Workers, J. Social Issues, 1952, 8, 19-28; Southall, S.E., Industry's Unfinished Business, 1951; Weaver, G.L.P., Negro Labor, A National Problem, 1941.

27 Kenworthy, E. W., The Case Against Army Segregation, Annals of the American Academy of Political and Social Science, 1951-275, 27-33; Nelson, Lt. D.D., The Integration of the Negro in the U.S. Navy, 1951; Stouffer, S., et al., The American Soldier, Vol. I, Chap. 19, A Note on Negro Troops in Combat, 1949; Watson, G., Action for Unity, 1947; Opinions About Negro Infantry Platoons in White Companies in Several Divisions, Information and Education Division, U.S. War Department Report No. B.-157, 1945.

28 Brophy, I.N., The Luxury of Anti-Negro Prejudice, Public Opinion Quarterly, 1946, 9, 456-466 (Integration in Merchant Marine); Watson, G., Action for Unity, 1947

29 Williams, D.H., The Effects of an Interracial Project Upon the Attitudes of Negro and White Girls Within the Young Women's Christian Association, Unpublished M.A. thesis, Columbia University, 1934.

30 Dean, J.P., Situational Factors in Intergroup Relations: A Research Progress Report. Paper Presented to American Sociological Society, 12/28/49 (mimeographed); Irish, D.P., Reactions of Residents of Boulder, Colorado, to the introduction of Japanese Into the Community, J. Social Issues, 1952,8, 10-17.

31 Minard, R.D., The Pattern of Race Relationships in the Pocahontas Coal Field,

Negroes in only some shops but not in others the prejudiced workers tended to classify the desegregated shops as inferior, "Negro work." Such objections were not raised when complete integration was introduced.

The available evidence also suggests the importance of consistent and firm enforcement of the new policy by those in authority.32/ It indicates also the importance of such factors as: the absence of competition for a limited number of facilities or benefits;33/ the possibility of contacts which permit individuals to learn about one another as individuals;34/ and the possibility of equivalence of positions and functions among all of the participants within the unsegregated situation.35/ These conditions can generally be satisfied in a number of situations, as in the armed services, public housing developments, and public schools.

IV

The problem with which we have here attempted to deal is admittedly on the frontiers of scientific knowledge. Inevitably, there must be some differences of opinion among us concerning the conclusiveness of certain items of evidence, and concerning the particular choice of words and placement of emphasis in the preceding statement. We are nonetheless in agreement that this statement is substantially correct and justified by the evidence, and the differences among us, if any, are of a relatively minor order and would not materially influence the preceding conclusions.

Floyd H. Allport	Syracuse, New York
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Jerome S. Bruner	Cambridge, Massachusetts
Hadley Cantril	Princeton, New Jersey
Isidor Chein	New York, New York
Kenneth B. Clark	New York, New York
Mamie P. Clark	New York, New York
Stuart W. Cook	New York, New York
Bingham Dai	Durham, North Carolina
Allison Davis	Chicago, Illinois
Else Frenkel-Brunswik	Berkeley, California
Noel P. Gist	Columbia, Missouri
Daniel Katz	Ann Arbor, Michigan
Otto Klineberg	New York, New York
David Krech	Berkeley, California
Alfred McClung Lee	Brooklyn, New York
R. M. MacIver	New York, New York
Robert K. Merton	New York, New York
Gardner Murphy	Topeka, Kansas

J. Social Issues, 1952, 8, 29-44; Rutledge, E., Integration of Racial Minorities In Public Housing Projects; A Guide for Local Housing Authorities on How to Do It, Public Housing Administration, New York Field Office (mimeographed).

32Deutsch, M. and Collins, M. E., Interracial Housing, A Psychological Study of A Social Experiment, 1951; Feldman, H., The Technique of Introducing Negroes Into the Plant, Personnel, 1942, 19, 461-466; Rutledge, E., Integration of Racial Minorities in Public Housing Projects: A Guide for Local Housing Authorities on How to Do It, Public Housing Administration, New York Field Office (mimeographed); Southall, S. E., Industry's Unfinished Business, 1951; Watson, G., Action for Unity, 1947.

33Lee, A. McClung and Humphrey, N. D., Race Riot, 1943; Williams, R., Jr., The Reduction of Intergroup Tensions, Social Science Research Council, New York, 1947; Windner, A. E., White Attitudes Towards Negro-White Interaction in An Area of Changing Racial Composition. Paper delivered at the Sixtieth Annual Meeting of the American Psychological Association, Washington, September, 1952.

34Wilner, D. M.; Walkley, R. P.; and Cook, S. W., Intergroup Contact and Ethnic Attitudes in Public Housing Projects, J. Social Issues, 1952, 8, 45-69.

35Allport, G. W., and Kramer, B., Some Roots of Prejudice, J. Psychol., 1946, 22, 9-39; Watson, J., Some Social and Psychological Situations Related to Change in Attitude, Human Relations, 1950, 3, 1.

Theodore M. Newcomb	Ann Arbor, Michigan
Robert Redfield	Chicago, Illinois
Ira DeA. Reid	Haverford, Pennsylvania
Arnold M. Rose	Minneapolis, Minnesota
Gerhart Saenger	New York, New York
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M. Brewster Smith	New York, New York
Samuel A. Stouffer	Cambridge, Massachusetts
Wellman Warner	New York, New York
Robin M. Williams	Ithaca, New York

Dated: September 22, 1962.

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In addition to the APPENDIX TO APPELLANTS' BRIEF, we submit the following document, issued August 19, 1963 which interprets the APPENDIX with special attention to the kind of school segregation which exists in Milwaukee at the present time.

STATEMENT ON DE FACTO SCHOOL SEGREGATION BY SOME MILWAUKEE SOCIAL SCIENTISTS

The reply of our state and local educational administrators to charges of segregation in Milwaukee's primary and secondary public schools is that there is no intentional segregation. There is, of course, segregation; however, it is not a result of conscious administrative policy but reflects housing patterns for which educational bodies are not responsible. This is the crux of the distinction between de facto and de jure segregation. De jure segregation is defined by law as in South Africa, the relocation of Japanese-Americans during World War II, and in the American south, for example, by a city statute in Louisville, Ky., declared unconstitutional about the time of the first world war. De facto segregation is segregation maintained by forces other than those of law making and law enforcement in the community.

Although there is a degree of difference between these two, it is an unbecoming and hypocritical coyness for a community to assert that, of course it disapproves of the former, but equally of course it cannot do anything about the latter. The social dichotomy created by slavery has been perpetuated as a caste system buttressed by the doctrine of "separate but equal" which gave de jure support to segregation for eighty years. As the legal supports of Jim Crow slowly crumble before decision after decision of the Supreme Court, some Americans become very subtle, devising in their place routine practices in realty and mortgage banking which maintain de facto residential segregation. All of this is manipulated so quietly and almost invisibly that there seems to be no culprit, no one to blame, nothing to change. And then when it is pointed out that our schools are in fact segregated, those who administer this crucial institution in our democracy may say, "We obviously don't determine housing patterns, and we don't approve of discrimination in student placement: it's just there."

The U. S. Supreme Court's 1954 Brown decision outlawed de jure educational segregation. In spirit it also outlawed any educational segregation, no matter what its origins or legal status, because, as Justice Warren's decision clearly pointed out, in education any segregation (separate but equal facilities) is a contradiction in terms. You cannot separate children during this impressionable period of development and maintain equality; the mere act of separation implies invidious difference.

Those concerned with this problem must cope with the fact that the U. S. Decennial Census reveals consistently, decade after decade, that our cities are becoming increasingly segregated residentially. Whether reckoned by clocks or census tracts, the residential units in our cities which are 100% white and 100% Negro occupied, 90 or more percent white or Negro occupied, continue to increase and the number of biracially occupied areas declines. De facto segregation is not only a fact, it is a malignant growth run wild. What are its implications for education?

1. The Appendix to Appellants' Brief in the Brown Case, contributed by Kenneth Clark and other leading psychologists, sociologists, and anthropologists, documents beyond need for repetition the adverse effects upon those segregated created by segregated education, whatever its origin or legal foundation. It undermines the morale of one group while perpetuating the prejudices and stereotypes of the other. It deprives Americans, while still in their formative years, of experience with one another as equals engaged in a common enterprise.

2. Aside from the social-psychological points just made, it might be added that de facto segregated schools in minority residential areas almost invariably are the oldest in physical plant and poorest in educational facilities. They are also the schools with the least experienced staffs because of the documented flow of teachers out of them to "nicer" pastures and the placement within them of the newest graduates from Schools of Education. The Visitation of the State Department of Public Instruction reports exactly this.

3. Perhaps the most important point because it involves the least tangible reality is again social-psychological. The Negro child experiencing segregated education suffers from an atrophy of aspiration. He does not see himself as a member of the larger community and society, but as one among similar members of a racial group who are carefully and indelibly marked for a ghetto existence. No vocational or intellectual horizons beckon, and educational motivation pathetically declines or disappears completely. Our nation's needs for technical and scientific skills gets systematically cheated of one-tenth of our potential human resources at the same time that our nation's glut of unskilled and illiterate workers receives unwanted contributions. To what avail if universities, technical institutes, medical schools, etc., are increasingly democratic in their willingness to take the very best talents, regardless of irrelevancies like race, if our segregated children are crippled in intellect, personality, and aspiration so early in life that these later opportunities, if known to them at all, remain fictions or goals for white Americans only.

The undersigned, as social scientists, endorse this statement as a fair summary of the evils of de facto educational segregation.

SOCIOLOGY DEPARTMENT, UW--M

Irwin D. Rinder, Chairman
Gordon Shipman
Lee Braude
Martin L. Cohnstaedt

ANTHROPOLOGY DEPARTMENT, UW--M

James Silverberg
John H. Dowling

SOCIOLOGY DEPARTMENT, MILWAUKEE-DOWNER COLLEGE

Sidney Peck, Chairman

August, 1963

This statement has been circulated by Morgan Gibson (Assistant Professor of English, UW--M), Chairman, Education Committee, Wisconsin State Conference of Branches, National Association for the Advancement of Colored People. The Committee welcomes other statements by social scientists, lawyers, teachers, students, parents, and other citizens in opposition to de facto school segregation.

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Both the APPENDIX to the 1954 Decision and the STATEMENT by Milwaukee social scientists point out that de facto segregation damages the white child as well as the Negro by perpetuating prejudices and stereotypes that may severely limit the white child's understanding of social reality. Recent research in the Milwaukee area confirms this thesis. Professors Sidney M. Peck of Milwaukee-Downer College and Sidney Rosen of Marquette University, in their study of "The Influence of the Peer Group on the Attitudes of Girls Toward Color Differences," have shown "that 6 and 8 year old white girls were aware of color differences; that they rigidly preferred white children to brown children; that they categorically excluded Negro youngsters from private fun clubs; and that they were markedly influenced by their peers in the acceptance and rejection of colored children." Moreover, and most significant for understanding the effects of de facto segregation, the girls who attended an integrated school were "more open and less categorical" in their attitudes towards Negroes than girls from all-white schools.

Whites as well as Negroes, then, are being handicapped by segregation in their understanding of reality and in their social relations--two fundamental areas of

child development for which the schools are responsible. In every respect--social, psychological, cultural, educational--de facto segregation harms children of all races.

THE FACT OF SEGREGATION IN MILWAUKEE SCHOOLS:

Students:

In order to determine precisely the racial imbalance of Milwaukee schools, we requested of Superintendent Vincent statistics on the numbers of Negro and white students and faculty in the public school system. His denial that such statistics were available seemed to us an indication of indifference on the part of the school administration to a problem which demands close attention and which has received that attention from social scientists and educators throughout the country as well as school authorities in the 76 cities where civil rights organizations have launched campaigns against segregation.

Superintendent Vincent's denial made it necessary for the Wisconsin NAACP Education Committee, along with the Milwaukee Citizens for the Desegregation of the Schools, to conduct a survey of schools to determine the percentage of Negro students in schools that are predominantly Negro. The following table, based on estimates by principals, teachers, parents, and students, indicates that one high school, two junior high schools, and eleven elementary schools are more than 90% Negro; that four other schools are from 60-90% Negro; and that two high schools, a junior high school, and four elementary schools are about 50% now, but rising. Other schools will become predominantly Negro unless the Milwaukee Board of School Directors acts to integrate the school system.

ESTIMATED PERCENTAGE OF NEGRO STUDENTS IN SOME MILWAUKEE PUBLIC SCHOOLS

SENIOR HIGH SCHOOLS		JUNIOR HIGH SCHOOLS	
North Division	almost 100%	Roosevelt	almost 100%
Lincoln	over 60%	Robert Fulton	90%
West Division	almost 50%	Wells	50%
Rufus King	40%		
ELEMENTARY SCHOOLS			
Fourth Street	almost 100%	Center	75%
Hopkins	almost 100%	Keefe	79%
Lee	almost 100%	Twenty-first Street	75%
Ninth Street	almost 100%	McKinley	75%
Garfield	almost 100%		
		50% or Over:	
Lloyd	95%		
Twelfth Street	95%	LaFollette	
Siefert	95%		
Fifth Street	90%	Pierce	
Twentieth Street	90%	Franklin	
Palmer	90%		
Brown	90%		

Teachers

Although our study concentrates on de facto segregation as it primarily affects students, we object to the practice of assigning Negro teachers, with few exceptions, to predominantly Negro schools, thus handicapping both students and teachers alike. Rather than Negro teachers teaching Negro students, both Negro and white teachers should be teaching integrated classes in all parts of the city.

INEQUITIES OF EDUCATIONAL OPPORTUNITY

One of the obvious consequences of de facto segregation of students and teachers in the Milwaukee public schools has been certain inequities of educational opportunity in addition to the inherent inequity of segregation itself. The REPORT OF THE MILWAUKEE VISITATION BY REPRESENTATIVES OF THE STATE DEPARTMENT OF PUBLIC INSTRUCTION, 1961-1962, offers evidence that reveals very clearly, as we wrote

in our STATEMENT of last July "that the educational opportunities offered children attending the Fifth Street Elementary School, Fulton Junior High School and North Division Senior High School are shockingly inferior to those offered children attending Manitoba Elementary School, Audubon Junior High School, and Pulaski Senior High School, for example. There is, of course (in Superintendent Rothwell's REPORT) no mention of the fact that the first three schools are virtually all Negro and the superior schools virtually all white." Based on evidence in that REPORT, we concluded that "the Negro schools are inferior to the white schools in terms of teaching materials, library services, the experience of the teachers, course offerings, and extra-curricular cultural activities. It is clear that the Negro schools are not adequately preparing students for advancement from grade to grade or for life after graduation, in college or in worthwhile jobs. Particularly in the area of language arts---reading, writing, and speaking English effectively---these schools are seriously ineffective."

We are in no way questioning the ability or dedication of teachers in predominantly Negro schools, any more than we are questioning the ability of Negro students. Both students and teachers face such imposing obstacles to progress in a segregated school system that they must have much more ability, talent, and dedication than would be necessary in an integrated system in order to do well. Intense frustration, demoralization, and waste of effort result from segregation. We commend teachers and students who courageously struggle in and against this system; we condemn officials who openly defend or subtly try to excuse de facto segregation.

The Supreme Court decided that separate schools are inherently unequal---even though the Negro school in Topeka, attended by the plaintiff, had facilities that were in some ways superior to those of the white school. In Milwaukee, on the other hand, in addition to the inherent inequalities of de facto segregation, Negro schools are offering fewer educational opportunities than white schools.

Since our STATEMENT appeared in July, other organizations and individuals have presented additional evidence of inequities in Milwaukee schools. We do not need to labor the point that grave inequities exist. We do need to stress, however, that most of these inequities spring from the fact of segregation and will remain until the schools are effectively integrated. No amount of compensatory education will repair the damage done to students and teachers by segregation. Equal educational opportunity is impossible without racial integration.

EDUCATIONAL RETARDATION AND DROPOUTS

The most striking evidence of the damaging effects of segregation on the academic achievement of Negro students in Milwaukee is the fact that the percentage of Negro children one or more grades behind their age group is approximately twice the average percentage for all children. A study by the University of Wisconsin---Milwaukee School of Social Work, under the direction of Professor Charles T. O'Reilly, reveals the "alarming extent of educational retardation among Negro children in the city's schools." The following table, included in study, contains the statistics necessary to substantiate this charge:

AGE-GRADE PLACEMENT,
ALL CHILDREN AND NON-WHITE CHILDREN IN CITY
(The figures, based on the 1960 U. S. Census, represent the percentage of children one or more grades behind their age group. 93.9% of all Milwaukee non-whites between the ages of 5 and 19 are Negroes.)

AGE	ALL CHILDREN		NON-WHITES	
	BOYS	GIRLS	BOYS	GIRLS
8	2.0	1.9	3.2	3.4
9	2.6	1.5	2.4	2.8
10	5.0	3.8	11.2	6.6
11	8.1	4.3	24.9	6.9
12	8.4	3.8	15.8	7.5
13	8.6	6.2	20.2	15.8
14	10.9	6.4	27.9	14.1
15	13.5	6.7	31.1	23.0
16	12.3	5.2	28.2	12.7

We hope that it will not be necessary to explain to the Milwaukee Board of School Directors that the educational retardation of Negro students documented above cannot be attributed to any inherent inferiority of Negro children. It is easy to see how any victim of this unfortunate myth would discount our objections to the unscientific, undemocratic and dangerous policies of such as Governors Barnett and Faubus. Here, we are more concerned with the reservations and conservative policies of moderates who fail to see that educational retardation of Negroes results from segregation in Milwaukee just as it does in Jackson, Miss. If the Milwaukee Board of School Directors genuinely believes in equal educational opportunity, it will take steps to check educational retardation by desegregating the schools.

In the meantime, severely handicapped by segregated education, Milwaukee Negroes are dropping out of school at an alarming rate. The UW--M Social Work study provides the following table:

HIGH SCHOOL DROP OUTS AMONG ALL BOYS AND NON-WHITE BOYS

AGE	ALL BOYS	NON-WHITE BOYS
16	1.6	2.4
17	9.2	16.2
18	16.7	29.2
19	21.3	35.7
20	21.3	38.5
21	23.9	46.9
22	24.3	43.3
23	23.9	41.1
24	21.0	32.6

According to the study, 40.4% of the non-white boys in Milwaukee leave school before their last year as contrasted with 29% of all boys. Moreover, "the dropout rate for non-white girls was as substantial as it was for boys." Disadvantaged by segregation and resulting inequities in the schools, demoralized because they are falling behind, Negro students are dropping out of school and into a world where they are not prepared for meaningful employment, democratic citizenship, and satisfying lives.

PRACTICES AND POLICIES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS THAT NURTURE DE FACTO SEGREGATION

The educational retardation and dropouts analyzed in the preceding section result not only from racial imbalances and inequities of educational opportunity but also from a number of other practices and policies of the Milwaukee Board that nurture <u>de facto</u> segregation.

1. The doctrine of the "neighborhood school" is discriminatory insofar as neighborhoods are segregated. If Negroes and whites were living together throughout the city, if there were no "inner core" slums, then the "neighborhood school" might be cherished by Negroes and whites alike, for schools throughout the city would conceivably offer equal educational opportunities. But in a city of segregated neighborhoods, the "neighborhood school" is bound to be segregated, as the facts show, with predominantly Negro schools offering educational opportunities that are inferior to those offered by predominantly white schools. Dr. John H. Fischer, President of Teachers College, Columbia University and Chairman of the New York State Education Commissioner's Advisory Committee, argued recently in a proposal to the Commissioner: "When a 'neighborhood school' becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto type situation, it does not serve the purpose of democratic education." Although the Milwaukee Board cannot change neighborhood segregation, it can eliminate educational segregation.

Dogmatic defenders of the sanctity of the "neighborhood school" should realize that the doctrine has already been modified by the transfer of thousands of students (between 11,000 and 12,000 last spring, as reported by Superintendent Vincent), though such transfers are not granted for the purpose of integrating the

schools. They could be and should be.

2. The "free transfer" plan is not free. Its effect is to contribute to racial imbalance by permitting whites to flee while Negroes are prevented from transferring for purposes of integration, as they have recently been permitted to do in Baltimore, for example.

3. The wholesale transfer of Negro classes from schools that are overcrowded or in the process of being repaired is discriminatory in that the Negro children are segregated from white children in the receiving school. According to the Milwaukee Journal, 2300 children, most of them from the inner core, are transported daily from 16 schools to 31 other schools. Although excuses have been made that integration of these students would be administratively difficult, they cannot conceal the fact of segregation and the indifference of school officials to the humiliation of the children. Teachers report that Negro students are bussed from the inner core in the morning, rushed into the otherwise all white school, and are strictly prevented from communicating with the white students, who often stand at classroom windows, staring. The Negro students ask, "What are those kids staring at us for?" The Negro students are shipped back to the ghetto for lunch, then back to the white school for a segregated afternoon, and bussed home again at the end of the day. Integration of these students in the classrooms, in the lunchrooms, and on the playgrounds would not in itself eliminate de facto segregation in Milwaukee, but it should be part of a comprehensive policy of racial integration.

4. School building plans are perpetuating school segregation. Robert Fulton Junior High School, for example, was built in a location where a high concentration of Negro students was absolutely certain. The Milwaukee Board must have known in advance that the school would be racially imbalanced and that the small number of white students would probably dwindle because of panic (as indeed it did, according to former Principal Harold Isleb, who reported in the SENTINEL that the enrollment of whites quickly declined from 10% in 1961 to 4-5% last spring). Instead of building schools where they might be attended by a better proportion of whites and Negroes, the Milwaukee Board continues to perpetuate segregation. The new Keefe Avenue School, for example, will be preponderantly Negro, as well as others unless the Board adopts the criterion of racial integration for its building program. Until such a criterion is incorporated in a general policy of integrating the schools, the NAACP shall oppose the construction of the new Keefe Avanue Junior High School.

5. Present zoning is also perpetuating segregation, whereas careful zoning could contribute to the integration of the schools. Among the six factors listed by State Superintendent Rothwell, racial integration plays no part in Milwaukee zoning for schools. It could and should be included.

6. School officials are restricting employment of Negro recreational workers to the predominantly Negro areas.

7. Though our emphasis has been on students, the NAACP strongly objects to the practice of assigning nearly all of the Negro teachers to inner core schools instead of dispersing them throughout the city. Students of all races deserve teachers of all races. We object also to the conspicuous absence of Negroes from administrative and supervisory positions in the school system. The Milwaukee Board must catch up with other public and private organizations where Negroes are beginning to move into positions from which they were formerly excluded. Integration of schools on the administrative and teaching levels is long overdue and as indispensible for democratic education as the integration of students.

OUR PROPOSALS TO THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

On the basis of the preceding arguments (1) that de facto segregation exists in Milwaukee public schools; (2) that it has resulted in crass inequities of educational opportunity; (3) that it seriously damages students socially, psychologically, culturally, and educationally as shown by statistics on educational retardation and dropouts; and (4) that many practices and policies of the Milwaukee Board nurture de facto segregation and its ill-effects, the NAACP proposes that the Board recognize the full scope of the problem, adopt an explicit policy of integrating the schools, and take speedy steps to put that policy into effect.

We submit, as a model policy, the one adopted by the New York Board of Education only seven months after the 1954 Supreme Court Decision:

POLICY STATEMENT ON INTEGRATION ADOPTED
BY THE BOARD OF EDUCATION, NEW YORK CITY
December, 1954

On May 17, 1954, the Supreme Court of the United States handed down a decision of historic educational significance. This decision stated in part:

> "We must consider public education in the light of its full development and its present place in American life throughout the nation. . .
>
> "Today, education is perhaps the most important function of state and local governments....It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education....
>
> "We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.
>
> "....To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone....
>
> "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal...."

The Board of Education of the City of New York has long operated on the principle that equal educational opportunity for all children, without regard to differences in economic, national, religious or racial background, is a manifestation of the vitality of our American democratic society and is essential to its continuation. We, therefore, interpret the May 17th decision of the United States Supreme Court as a legal and moral reaffirmation of our fundamental educational principles. We recognize it as a decision which applies not only to those cases in litigation, but also as a challenge to Boards of Education throughout the nation, in Northern as well as Southern communities, to re-examine the racial composition of the schools within their respective systems in order to determine whether they conform to the standards stated clearly by that Court.

The Supreme Court of the United States reminds us that modern psychological knowledge indicates clearly that segregated, racially homogeneous schools damage the personality of minority group children. These schools decrease their motivation and thus impair their ability to learn. White children are also damaged. Public education in a racially homogeneous setting is socially unrealistic and blocks the attainment of the goals of democratic education, whether this segregation occurs by law or by fact.

In seeking to provide effective democratic education for all of the children of this city, the members of the Board of Education of the City of New York are faced with many real obstacles in the form of complex social and community problems. Among these problems are the existence of residential segregation which leads to schools predominantly of one race on the elementary and junior high school levels. In addition, prevailing racial attitudes and misinformation of some white and Negro parents reflect outworn patterns of segregation as well as limited educational and vocational horizons which make it difficult for them to accept school procedures contrary to their attitudes.

In spite of these and other difficulties, the Board of Education of the City of New York is determined to accept the challenge implicit in the language and spirit of the decision of the United States Supreme Court. We will seek a solution to these problems and take action with dispatch implementing the recommendations resulting from a systematic and objective study of the problem here presented.

We believe that an effective method of obtaining these ends is to set up a Commission of the Board of Education charged with responsibility of determining the facts and recommending whatever further action is necessary to come closer to the ideal, viz., the racially integrated school. This Commission will obtain all the necessary facts from various community groups, parent and teacher organizations, the findings of systematic studies and other sources. It is imperative that members of this Commission approach their responsibility with the understanding that racially homogeneous public schools are educationally undesirable. It is now the clearly reiterated policy and program of the Board of Education of the City of New York to devise and put into operation a plan which will prevent the further development of such schools and would integrate the existing ones as quickly as practicable. The Commission must also address itself to the closely related and crucial problem of raising the educational and vocational aspirations of talented students from economically and socially deprived groups.

We recognize that we who have been given the responsibility for effective administration of the schools of our city, can deal directly only with the educational aspects of this problem. There are, however, larger community problems which influence the quality of education in, and the racial composition of our schools. As long as these larger social problems remain unsolved, it will be difficult, if not impossible, to solve some of the basic and related educational problems. For this reason, therefore, as educators we call upon the appropriate agencies of our municipal and state governments to take concrete steps to provide the social climate which will make it possible for us to increase the effectiveness of public education. Only with this cooperation will the City of New York be able to provide for our children that type of democratic education which will enable these children to contribute their skills to the preservation of the greatness of our city, our state and our nation.

THE NEW YORK CITY BOARD OF EDUCATION RESOLUTION
ON INTEGRATION AND EDUCATIONAL STANDARDS

December 23, 1954

RESOLVED, That the President of the Board of Education and the Superintendent of Schools be, and they hereby are, jointly authorized and directed to appoint a Commission representative of the Board of Education, the professional staff and of the community, to study and examine the racial composition of the schools within our city in order to determine whether the conditions therein conform to the standards expressed in the foregoing preamble; and to report the facts with recommendations for such other or further action as may be necessary or advisable to approach more closely the racially integrated school in all localities.

THIS WAS UNANIMOUSLY APPROVED BY THE BOARD OF EDUCATION AT ITS MEETING ON DECEMBER 23, 1954.

* * * * * * *

BOARD OF EDUCATION
City of New York

June 13, 1963

RESPONSIBILITIES OF THE SCHOOLS IN INTEGRATION
(A Reaffirmation of Policy Originally Adopted in 1954)

It has been said, correctly, that the schools alone cannot eliminate prejudice, discrimination and segregation. It is equally true that this task will not be accomplished with less than an all out effort of the schools.

Our schools must not be neutral in the struggle of society to better itself. We must not overlook the harmful effects of discrimination on the education of all children. Moreover, within the limits of our control, we must not acquiesce in the undemocratic school patterns which are a concomitant of segregated housing. Furthermore, we must continue our policy of not tolerating racial or religious

prejudice on the part of any member of our staffs. If education is to fulfill its responsibility, it must recognize that the school world has a significant influence on each child's attitudes and affects the future of democracy.

To further its integration policy, the school system has responsibilities to its pupils and personnel and to the communities.

1. For pupils -- We must seek ways to give every child an optimum opportunity for fulfillment and success:

   a. Our school system must vigorously employ every means at its disposal to desegregate schools and classrooms and to bring about true integration as soon as possible.

   b. We must continue to develop educational programs which prepare all pupils to live constructively in a plurallistic society.

   c. We must provide whatever services and materials are essential to meet the special educational needs of those pupils whose progress has been impaired by an accumulation of the ills of discrimination. Simultaneously we must lift the goals of those whose environment has kept their aspirational levels at a low plane.

2. For school personnel -- We must develop personnel practices which will maximize the success of the integration program:

   a. We must provide appropriate education and training for school personnel so that every staff member may gain an appreciation of the strengths inherent in the variety of backgrounds that compose our total population.

   b. In recognition of the value to the children of association with professionals of different backgrounds, our staffing procedures must provide for better ethnic heterogeneity in school faculties.

   c. It is essential that capable and experienced teachers and supervisors be distributed in accordance with educational needs.

3. With communities -- We must work closely and cooperatively with communities:

   a. We must support the efforts of those communities which are struggling to overcome past frustration and failure and to surmount present deprivation.

   b. We consider it our obligation to help develop the kind of community attitudes which will help in the implementation of the integration policies of the City public schools.

* * * * * * *

CONSEQUENCES OF SEGREGATION-IN-FACT: INFERIOR EDUCATION FOR ALL CHILDREN

De facto segregated public schools in Wisconsin, regardless of the causes of segregation, produce all of the complex psychological and educational problems inherent in any form of segregated schools.

All children - Negro and white - in a racially segregated school system are denied the opportunity to grow and develop in a multi-racial environment, reflecting the world in which we live as adults. A non-democratic school cannot educate children to live and function as effective citizens in a democratic community, nation, or world.

The devastating psychological and educational impact of segregation in public education on Negro children - feelings of inferiority, lowered educational standards, and lowered academic achievement - have been well established. Predominantly or all Negro schools are inferior schools in the judgement of the total community, reflecting and reinforcing the status ascribed to Negroes in American society generally.

Not all Negro children will react alike to the inferior status attributed to them and "their" schools. The particular pattern of behavior will depend upon many inter-related factors, including the stability of family relations, educational and economic background, intelligence and personality pattern. But the evidence clearly suggests the following which was submitted to the Cleveland Board of Education by the Cleveland Branch of the NAACP, September, 1963:

> "...Minority group children of all social and economic classes often react with a generally defeatist attitude and a lowering of personal ambitions. This, for example, is reflected in a lowering of pupil morale and a depression of the educational aspiration level among minority group children in segregated schools. In producing such effects, segregated schools impair the ability of the child to profit from the education opportunities provided him...while the range of individual differences among members of a rejected minority group is as wide as among other peoples, the evidence suggests that all of these children are unnecessarily encumbered in some ways by segregation and its concomitants."

The damage to the education of white children is equally harmful. It may be expressed in a distorted sense of the worth of individuals and of social realities, the perpetuation and enforcement of racial prejudices and stereotypes, and deep personal conflict resulting from the inability to resolve the contradiction between what is taught and what is practiced.

The damaging psychological and educational effects of segregation per se are compounded by inferior educational standards and depressed teacher expectations which usually accompany segregated schools. Racially separate schools tend to be associated with older and less adequate physical facilities, overcrowding, a high student-teacher ratio, a rapid turnover of teachers, and inequitable distribution of regular licensed teachers, inadequate remedial services, educational and vocational counseling which fail to meet the needs of individual students and, in some instances, changing curriculum and curriculum emphasis.

The combined impact of segregation and inferior educational standards contributes significantly to the lowering of scholastic achievement levels of students who are required to attend these schools.

It has been suggested that the differences in the educational achievement reflect factors other than observed differences in educational standards. Among the factors repeatedly mentioned are "low socio-economic status," low educational aspiration, or "cultural deprivation." While the influence of complex non-school factors - a high degree of student mobility and all of the ills resulting from segregation and poverty - cannot be denied, it must be clearly recognized that the problems inherent in segregated and unequal schools impair Negro students of all cultural, educational, and economic backgrounds. Where general environmental deprivations do exist, it becomes all the more imperative that the public schools provide high standards of education.

There is no choice, however, between raising educational standards and eliminating existing segregation to the fullest possible extent. The growing array of evidence suggests that children who are subjected to a segregated school environment generally fail to develop the inherent talent and ability which lie within them, despite the effort and ability invested in the educational program. Whenever incentive and motivation is lowered, and this is one of the inevitable results of segregation, the achievement will tend to fall below the innate potential of the child. Efforts to raise the standards of education cannot and do not substitute for reducing existing segregation.

* * * * * * * *

The Wisconsin Conference of NAACP Branches has set the beginning of next semester as the deadline for a statement of policy by the Milwaukee Board of School Directors, similar to the New York policy. We expect that policy to be a candid recognition of the problem as presented above and a commitment to speedy integration of the schools. Failure to arrive at such a policy will force the NAACP to resort to public demonstrations and legal action.

To implement such a policy of integration we demand that the Milwaukee Board of School Directors make racial integration a major criterior for:

1) granting student transfers,
2) locating new buildings,
3) zoning, and
4) assigning teachers, recreation workers, counsellors, and administrators to schools throughout the city.

As a tangible sign of good faith, we demand that the Milwaukee Board of School Directors end segregation in the wholesale transfer of classes from the "inner core" by the beginning of next semester. All students and teachers who are transferred by bus from "inner core" schools to underutilized schools outside the "inner core" shall be integrated into the normal administrative, educational, and recreational operation of the receiving school. If not, the NAACP shall take legal and direct action.

But de facto school segregation in Milwaukee will be eliminated only by careful long-range planning, undoubtedly involving a combination of techniques being applied in other cities. We believe that it would be premature for the NAACP to propose a master plan for Milwaukee without expert study of details, but on the basis of intensive study of zoning we submit the following analysis:

THE EFFECT OF SCHOOL REDISTRICTING ON DE FACTO SEGREGATION

The purpose of this section is to trace the drawing of Milwaukee school district lines over the past 20 years. These districts have been examined to determine the extent to which they have effected de facto segregation of Milwaukee schools. It is obvious that just as some zoning lines perpetuate segregation, a re-drawing of those lines could quickly result in an alleviation of racial imbalance in city schools in and around the "inner core." Therefore, in addition to describing present zoning which results in segregation, we will make suggestions for re-zoning.

GRADE SCHOOLS:

Between the years 1940 and 1960, the Negro population in Milwaukee rose from 8,821 to 62,458. This expanding population within the "inner core" has demanded some redistricting. In every single case a western district has expanded to include some of the district on its eastern border or a northern one has expanded to the district to the south. This makes sense since the population expanded north and west from the area of Seventh and Walnut. However, in every case it would probably mean that white students living on the northern or western borders of a district that was becoming predominantly Negro were taken into the district to the north or west that was still all white.

In at least two districts on the border of the "inner core" this is happening at present. The McKinley district is bounded by Highland, 22nd Street, 14th Street, and Galena. Negroes were obviously pouring into the McKinley district since between 1942 and 1962 the enrollment increased from 1,034 to 1,134 despite the fact that the district is 20 blocks smaller now than it was in 1942. It is estimated to be 75% Negro. Three predominantly white districts have bitten into McKinley, gradually pushing back its borders so that it conforms exactly with the present borders of the "inner core." As a matter of fact, therefore, the white students living within these 20 blocks have been removed from McKinley and are now attending Wisconsin Avenue, 18th Street and 27th Street schools.

The Walnut school district was created between the years 1943 and 1952 and took up nine blocks that formerly were contained in the McKinley and Brown districts. Over the years both these districts have become predominantly Negro, and Walnut has remained predominantly white.

The Auer district is 20% Negro and is wedged in between Franklin on the north, which is over 50% Negro, and 21st on the south, which is 75% Negro. Over the last

20 years, Auer has absorbed 15 blocks from the 21st Street district. It would be very easy to make both Auer and 21st Street schools 50% Negro by simply drawing a line north and south down the middle of the two sections and sending the two eastern halves to one school and the two western halves to the other. This would not require any child to walk more than seven blocks to school.

The same policy could easily be effected between Franklin and Garden Homes schools if the line were drawn up Twenty-Fifth Street from Nash Street to Ruby Avenue. A line drawn up Fifteenth Street from Keefe to Congress would achieve a better balance between Keefe Avenue School, which is now 79% Negro and the Philip School, which has almost no Negroes. Moving on around the edge of the ghetto, this policy could be implemented with ease in every one of the border districts. Lines could be drawn between the following districts:

20th Street and Clarke Street
Brown and Elm
McKinley and 27th Street or Wisconsin Avenue or both
Siefert and 18th Street
9th and 8th Street
4th and Jefferson
Palmer and Cass Street
Pierce and Fratney Street

As for future grammar school construction, we would hope that the school planned to replace the old Center Street School will not be built in the southern portion of the Pierce district and the lines of Center, Pierce, Fratney Street, and Berger be so redrawn as to achieve a greater measure of integration. It also is to be hoped that the new Jefferson District school will be built near Milwaukee Avenue Bridge, so that it will be accessible to students presently attending the 100% Negro 4th Street School. Students presently in the northern sector of Jefferson could easily attend the 4th Street School. It is planned that the new 18th Street School will include students now in the 8th Street district. Both of these districts are predominantly white but they border on the following districts: McKinley, which is 75% Negro, Siefert, 95% Negro, and 9th Street, 100% Negro. If the new school were built in the vicinity of 14th and Kilbourne, the lines of these five districts could easily be redrawn to achieve greater integration.

HIGH SCHOOLS

Districting of high schools, even by the present criteria of district assignments, offers many opportunities for effecting better racial balance in enrollment. High school students live far from their assigned schools and must take a bus in most cases. Negro students could just as easily take a bus outside the "inner core" rather than deeper into it.

Students in the 80% white Auer School district are now being bussed to the 95% white Washington Senior High School despite the fact that they live closer to the 100% Negro North Division Senior High. If Auer students were assigned to North Division, then students from the 75% Negro 21st Street district and/or from the 90% Negro 20th Street district could be assigned to Washington Senior High.

Lincoln Senior High might be integrated by taking on the Eighth Avenue district and releasing the Palmer district students to the Riverside Senior High. Since the enrollment at Riverside is expected to decline, it probably could absorb most of the Palmer district students.

Admittedly, at some inconvenience, West Division High and Washington High could exchange two districts. Otherwise, West Division will soon be 75% Negro and eventually 100%. Riverside and North Division could also exchange one or two districts, even though at some inconvenience to students.

The problem with Junior High Schools seems to be even more difficult. However, we do hope that when Riverside becomes a Junior High it will draw some pupils from Roosevelt (now 100% Negro) and from Fulton (now 80%). Some of the white districts Riverside is projected to include could be sent to these Negro schools. If the proposed Keefe Avenue Junior High were built further north so that it would be equidistant from Peckham and Edison, it would be a good deal easier to redistribute the districts so as to achieve greater integration.

CONCLUSION

We wish to emphasize that the ideas projected in this section are suggestions prompted by a detailed study of school zoning made in a relatively short time. We would expect the school board and the Special Committee on Equality of Education not only to consider these zoning changes but also to creatively add to these plans for greater integration of school districts through re-zoning.

Finally, we urge that schools not yet planned should be built in fringe areas rather than in the heart of the core. They should be located as near as possible to the more expensive districts to discourage wholesale emigration of middle class white families from the schools.

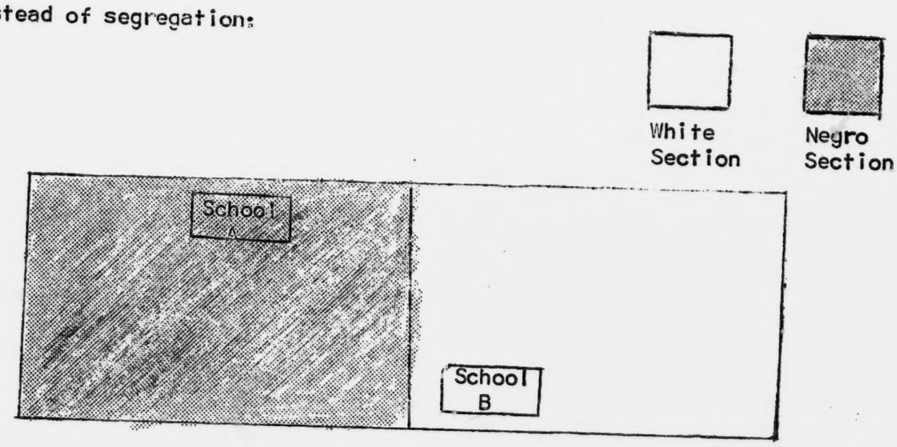
BASIC APPROACHES TO DESEGREGATION

The following basic approaches alone or in combination, have proven effective in achieving maximum desegregation. Each approach, of course, must be adapted to specific schools taking into consideration distance, safety, and other administrative factors.

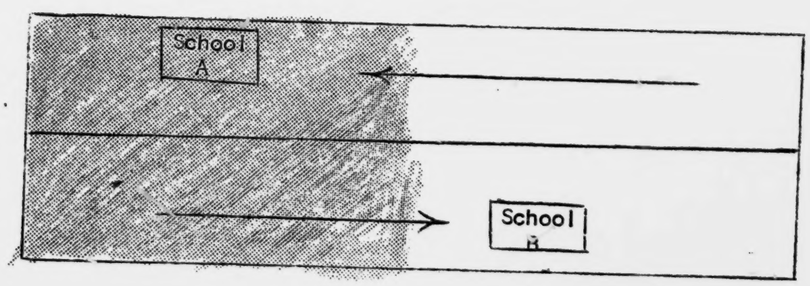
1. Rezoning

School attendance zones can often be rezoned to achieve desegregation by including portions of adjacent Negro and white residential areas in redrawing attendance areas.

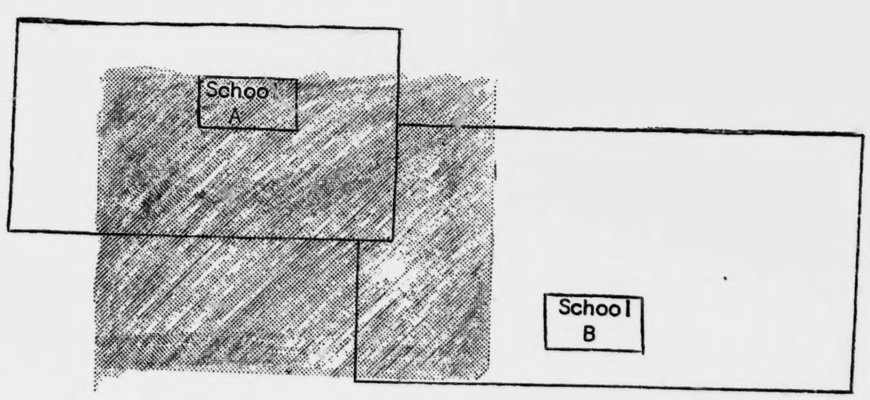
Instead of segregation:



Desegregate by:



Or by:

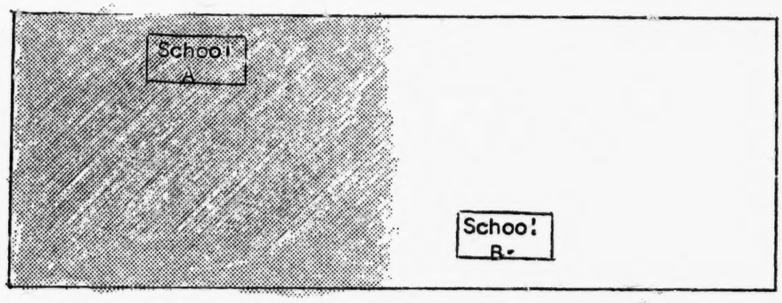


Here, zones divide the segregated residential area. The result--desegregated schools. The point is that zone lines are man-made and can be drawn to segregate or desegregate.

2. The Princeton Plan

This plan, named after Princeton, New Jersey, where it was effectively used in 1949, combines two adjacent Negro and white schools into a single attendance area, allocating the several elementary grades between them. All pupils in kindergarten through grade three are assigned to one school, and all pupils in grade four through six to the other school.

The basic Princeton Plan can be adapted for other combinations of grades for three schools, or for "groups" of paired schools in larger school systems. This approach had proven to be one of the most effective plans of school desegregation in the North.



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a) Morristown, New Jersey, last year converted a de facto segregated elementary school to a junior high school serving a larger, integrated student population, reassigning elementary pupils to existing schools.

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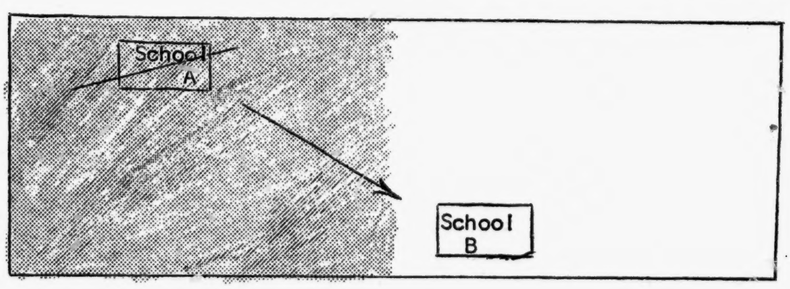

4. K-3 Schools

Converting schools in the heart of the racially concentrated residential areas to kindergarten - grade 3 schools. This plan, used together with other approaches, will help reduce the number of years a child is required to attend a de facto segregated school.

5. Changing Feeder Patterns of Elementary to Secondary Schools

Altering the assignment of elementary to junior and senior high schools can significantly change the pattern of existing segregation in the secondary schools.

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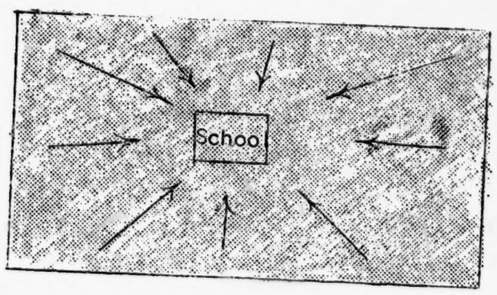

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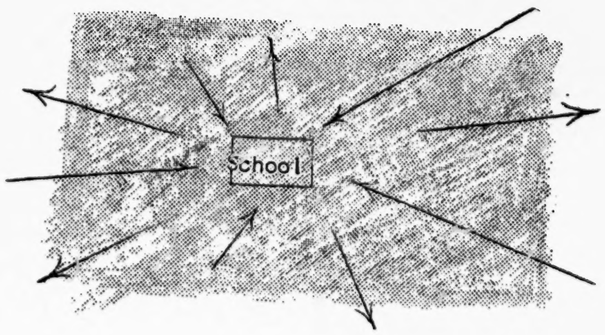

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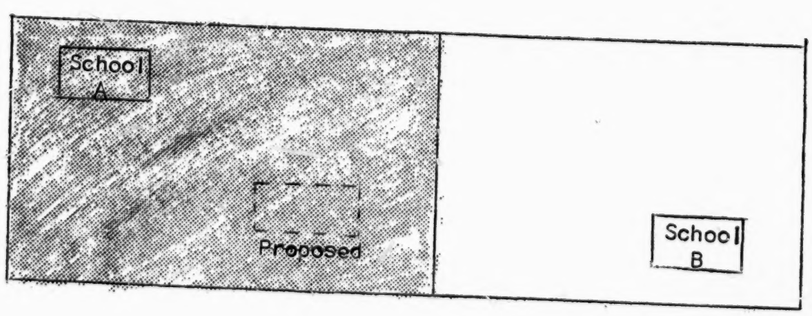
7. Long-Range Approaches

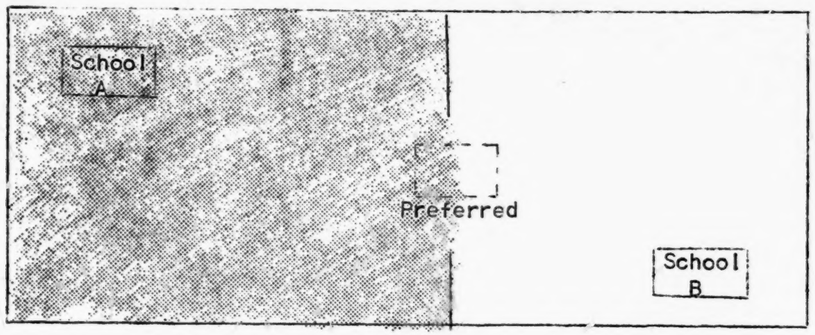
1. Careful site selection and school building programs to prevent the creation of new segregated schools.

Segregated:



7. Long-Range Approaches (continued)

Desegregated:



2. Specialized Schools. Establishing specialized elementary and secondary schools in racially concentrated areas to draw pupils from the larger school system.

3. Educational Centers. Developing clusters of elementary and secondary schools, located in a redeveloped center of a racially concentrated area, drawing students from a much larger portion of the city.

SUMMARY AND CONCLUSION

We expect the Milwaukee Board of School Directors to embark on their own study of zoning as well as of all other aspects of de facto segregation. Such a detailed study may well take several months of intensive work, but without it no comprehensive, long-range attack on the problem can be made intelligently. We are giving the Board until September of 1964 to present a comprehensive plan for integrating the schools, based on such techniques as rezoning, transfer of students, new building plans, changing the feeder system for certain schools, changing the function or grade-level of certain schools (as in the Princeton plan), etc. If such a plan has not gone into effect by that date, the NAACP shall embark on legal and direct action.

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By January 30, 1964

(a) An explicit policy of integrating the schools;

(b) The explicit inclusion of racial integration as a major criterion for:

1) granting student transfers,
2) locating new buildings,
3) zoning, and
4) assigning teachers, recreation workers, counsellors, and administrators to schools throughout the city.

(c) The integration of the "self-contained" segregated classes now being transferred by bus from "inner core" schools to under-utilized white schools.

By September, 1964:

The acceptance and application of a detailed, comprehensive plan for integrating the schools on all levels as soon as possible.

In conclusion, de facto school segregation can be eliminated in Milwaukee more easily than in Detroit, Chicago, or New York--if the Milwaukee Board of School Directors are seriously dedicated to equal educational opportunity. No amount of compensatory education can repair the educational, social, psychological, and cultural damage done to children by de facto segregation. If allowed to develop unchecked, it will continue to poison the lives of one generation of children after another. It will take on such terrifying proportions that it may eventually defy even the most conscientious efforts to cope with it. Therefore, in the interests of students and parents of all races, in the interests of the city as a whole, we demand that the Milwaukee Board act intelligently and speedily to eliminate de facto segregation and create a truly democratic, racially integrated school system.

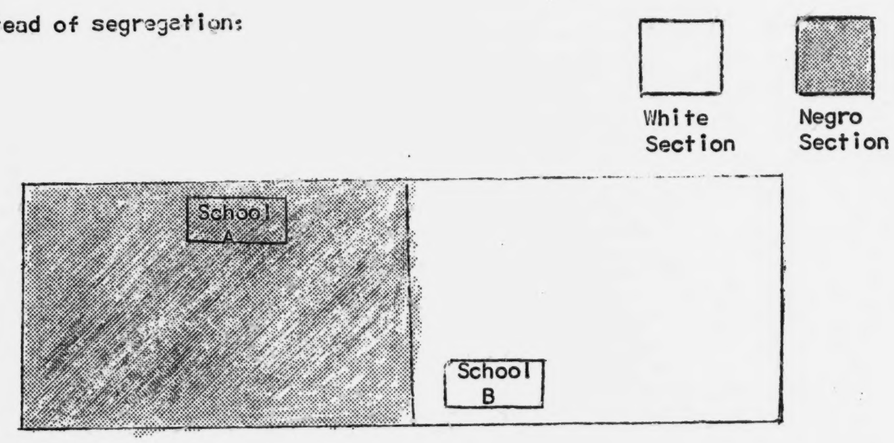
BASIC APPROACHES TO DESEGREGATION

The following basic approaches alone or in combination, have proven effective in achieving maximum desegregation. Each approach, of course, must be adapted to specific schools taking into consideration distance, safety, and other administrative factors.

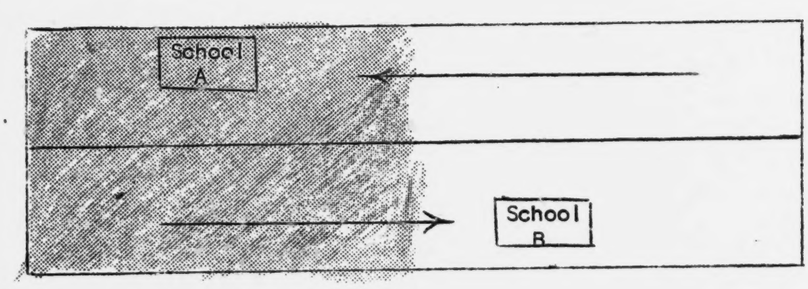
1. Rezoning

School attendance zones can often be rezoned to achieve desegregation by including portions of adjacent Negro and white residential areas in redrawing attendance areas.

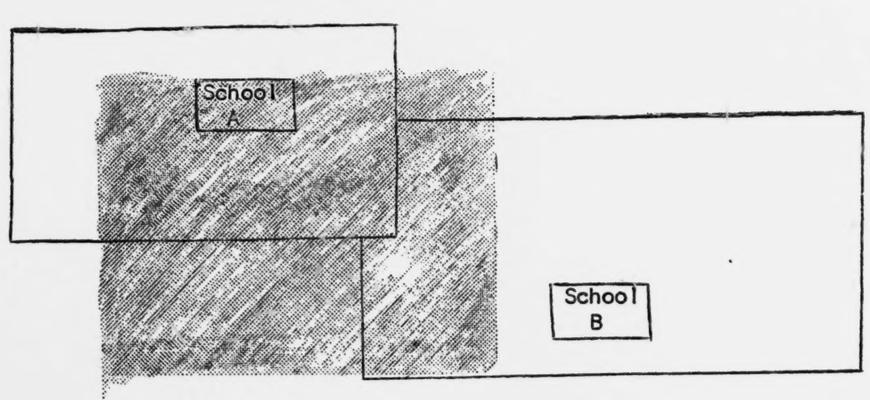
Instead of segregation:



Desegregate by:



Or by:

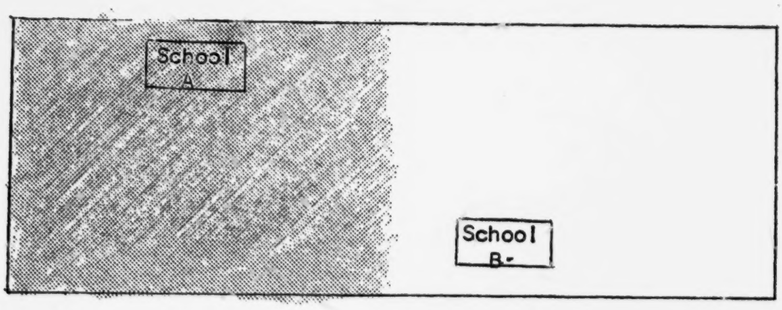


Here, zones divide the segregated residential area. The result--desegregated schools. The point is that zone lines are man-made and can be drawn to segregate or desegregate.

2. The Princeton Plan

This plan, named after Princeton, New Jersey, where it was effectively used in 1949, combines two adjacent Negro and white schools into a single attendance area, allocating the several elementary grades between them. All pupils in kindergarten through grade three are assigned to one school, and all pupils in grade four through six to the other school.

The basic Princeton Plan can be adapted for other combinations of grades for three schools, or for "groups" of paired schools in larger school systems. This approach had proven to be one of the most effective plans of school desegregation in the North.



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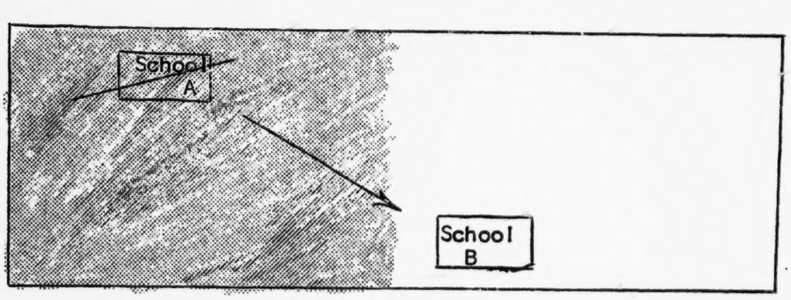

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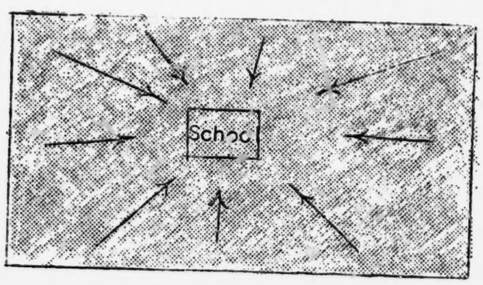

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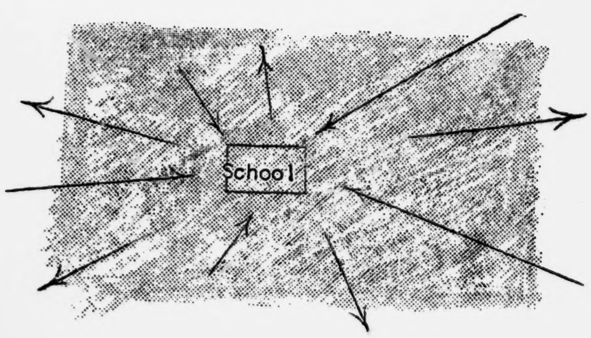

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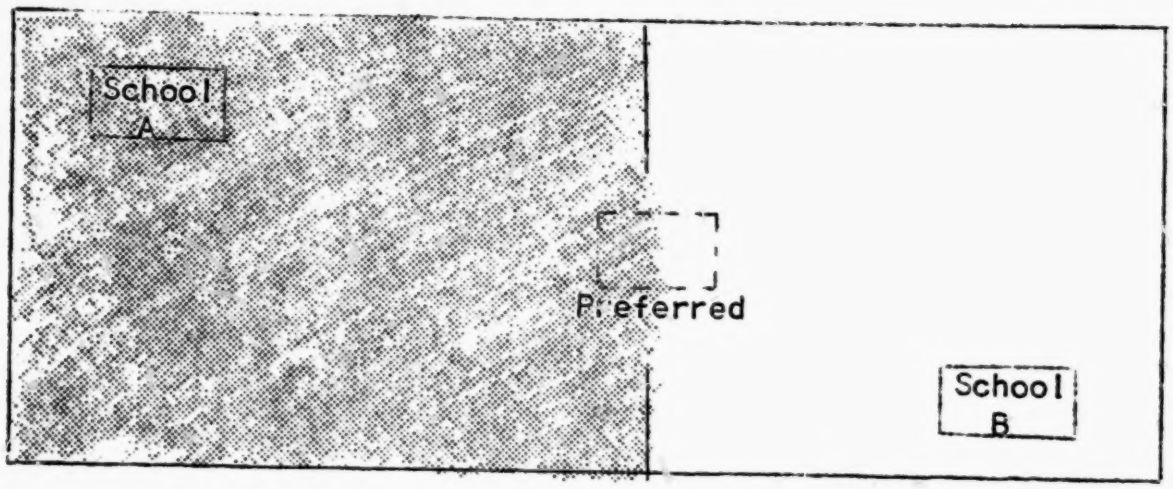

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APPENDIX

APPENDIX A

TREATMENT OF NEGROES IN TEXTBOOKS

While the teacher is obviously the most influential factor in our children's school day, it cannot be denied that the textbook the teacher uses is one of his key teaching tools, and, therefore, probably second only to the teacher in its overall influence upon any particular child's ideas and attitudes formed while in that classroom. If the textbook is inadequate, the child's learning experience will be inadequate. Inadequate learning experiences have grave consequences, especially in the area of human rights and particularly as it relates to the image of the American Negro.

It has already been stated in this report that race awareness occurs early in the school career of children. It has further been stated that this race awareness is in negative terms when it concerns Negroes. This fact is further supported in Allport's volume, The Nature of Prejudice.[1]

> "...children in the fourth and fifth grades were far less differentiated in their stereotypes than children in seventh and eighth grades. The younger children ascribed all "bad" traits to the Negro. For example, white people were judged to be more 'cheerful' by the younger children. But by the older children the stereotypes accorded with those of adults -- and not all were unfavorable. Thus the Negro was thought to be more cheerful and more humorous. Younger children had negative attitudes toward Negroes, but did not yet have the more complex pattern of stereotypes that would sustain a slightly more differentiated view of this out-group."

If any significant progress is to be made in the Negro's fight to eliminate second class citizenship, the schools must vigorously work to remove all barriers to this end. Neither schools or publishing houses have exercised the degree of responsibility or influence they could in lowering these barriers. This is illustrated by the fact that in 1949, the American Council on Education published a report which not only stated but illustrated the inadequate treatment of the American Negro in textbooks.[2] In 1961, the Anti-Defamation League published a report which stated, "With some exceptions, the main criticism of the American Council on Education report of 1949, as they relate to textbook treatment of the Negro, are equally valid for the year 1960."[3]

In general, criticism of textbook treatment of Negroes falls into four categories:

1) Position of the Negro in contemporary society

2) Treatment of Negroes in American history

3) Scientific data on races of mankind

4) Illustrations of Negroes

Each of these categories is briefly outlined below.

1. The position of the contemporary Negro, his contributions and his problems, is largely ignored in textbooks. Passing mention is made of Marian Anderson, Jackie Robinson and now Ralph Bunche, but the great majority of Negroes who have made significant contributions to our society are seldom found in the majority of currently used textbooks.

The problems of the American Negro in the Twentieth Century are, principally, the lack of the franchise and integrated schools in the South. In the North the lack of employment, adequate housing and integrated schools plagues him.

While the specific examples of problems in implementing the 1954 Supreme Court Decision, such as the Little Rock and James Meredith Crises are now mentioned in some textbooks, the overall problem of implementing the decision is not adequately discussed. Also, the rationale behind the momentous decision is in many instances

completely omitted. This omission is not surprising because the southern institution of segregation is rarely discussed in textbooks.

The American Negro is all but ignored in literature of the contemporary scene. When he does appear he most likely appears in one of the rather iron-bound stereotypes that the Negro has been chained to in literature.

(1) The contented slave,

(2) The wretched freedman,

(3) The comic Negro,

(4) The tragic mulatto,

(5) The local color type,

(6) The exotic type,

(7) The primitive type, and

(8) The brute Negro.[4]

The tragedy of this one-sided presentation of the Negro is that when an irate parent objects to a piece of literature that shows the Negro in one of the above mentioned stereotypes, the parent is patronizingly reminded that he is being sensitive and that the schools can never be a party to censorship. Since the Negro is a positive part of contemporary America and he is only shown in literature in a stereotype, the question of censorship certainly needs to be examined.

2. Historical Treatment of Negroes.

The ADL report states that "Most references to Negroes were to the period before 1876 and pictured members of this race as slaves and bewildered freedmen, thus perpetuating a stereotype of a childlike, inferior group of people."[5]

References to the Negro as a slave are inadequate because:

1) They inaccurately and superficially picture the American institution of slavery. Slavery is often shown as a fully developed institution when Negroes first landed on the shores of America in 1619. Rarely is there mention of the fact that at least one of the first slaves to come to America not only became free but became a property owner.[6] Other slaves that came over during the very early years of America were indentured and either worked for a limited period of time or were able to buy their freedom. Nothing is said about the unique American institution of slavery which denied slaves not only personal rights, such as religion and marriage, but property rights too.

2) Explanations of slave revolts are either inaccurate or completely omitted. The slave is pictured as completely contented with his bondage, while uprisings, if mentioned are often traced to the evil doings of northern abolitionists. Seldom, if ever, are the Underground Railroad and the Fugitive Slave Law connected with the Negroes' great dissatisfaction with slavery.

The fact that by 1860 there were a half a million free Negroes is virtually unknown.

The contributions of Negroes during the Civil War are superficially mentioned. Whole regiments of Negroes served in the Northern Armies. Little mention is made of how Negroes in Northern armies were often sold back into slavery by Northern officers. Almost every school child knows of the great march to the sea by Sherman. Most of them feel sympathy for the southerns who were subjected to the terrors and injustices of Sherman's army. How many children know of excessive torture and brutality Negro soldiers were subjected to during the Civil War?

The most inaccurate picture is of the Negro during the Reconstruction Period. Missing from accounts of that period are any references to the highly educated and competent Negro legislators sent to Washington from the reconstructed states. Also missing are references to any of the many

contributions made to state government by the legislatures in which Negroes served, such as public school systems. The emphasis is generally upon the great amount of foolish expenditures and the ridiculousness of having poor ignorant slaves as legislators, the dupes of northern rascals. Such generalities, in addition to being factually inaccurate, make people of the 1960's wonder what historians will say about the modern day charges of excessive government spending and scandals involving Billy Sol Estes and Sherman Adams.

3. Scientific data on the races of mankind.

The scientific facts concerning race seldom appear in social studies textbooks. In a time when, so called educated men appear on television and confront a Negro and the entire television audience with the statement that Negroes are proven to be inferior, it is imperative that factual information be readily accessible to all educators to be used to help dispel the notion that any human being is either inferior or superior because of his race.

4. Illustrations of the Negro.

The American Council on Education report stated that the illustrations of textbooks deal even less adequately with Negroes than do the printed words.[7] The ADL report goes on to point out that there is little evidence of an increasing integrated, interracial American Society.[8] Pictures of Negroes and whites together are conspicuous when they appear because they are so rare. There is no need to dwell upon the fact that much could be done to foster the idea of an integrated society, through pictures.

In light of these general criticisms, The NAACP Wisconsin State Conference of Branches submits that:

1) the Milwaukee School System immediately undertake to investigate, study and analyze the textbooks being used in its schools.

2) that it take immediate action to correct any faults it might find in its texts and

3) that part of this corrective action be to make the specific demand that the textbooks it purchases from publishing houses include all of the above suggestions.

REFERENCES

1. Allport, Gordon, W., The Nature of Prejudice, Doubleday and Company, Inc., Garden City, New York, 1958, P. 193.

2. American Council on Education, Intergroup Relations in Teaching Materials, 1949, P. 38

3. Marcus, Lloyd, The Treatment of Minorities in Secondary School Textbooks, Anti-Defamation League of B'Nai B'Rith, New York, 1961

4. American Council on Education, P. 130.

5. Marcus, Lloyd, P. 38.

6. American Council on Education, P. 120.

7. IBID, P. 32.

8. Marcus, Lloyd, P. 47.

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APPENDIX B

STATEMENT by Morgan Gibson,
Chairman,
Education Committee,
Wisconsin Conference of Branches,
National Association for the Advancement of Colored People
on the

July 1963

REPORT OF THE MILWAUKEE VISITATION BY REPRESENTATIVES OF THE STATE DEPARTMENT OF PUBLIC INSTRUCTION, 1961-1962

This REPORT contains not one explicit reference to the problems of Negroes in Milwaukee schools. It therefore skirts the fact that some schools are virtually all white while others are virtually all Negro. Ignorance of the racial issue can be no excuse. The REPORT appeared eight years after the Supreme Court ruled segregated schools unconstitutional in a decision based in part on expert testimony proving the harmful effects of segregation on Negro students. Seven months after that May 17, 1954, decision, the New York City Board of Education declared that they recognized it

> as a decision which applies not only to those cases in litigation, but also as a challenge to Boards of Education throughout the nation, in northern as well as southern communities, to re-examine the racial composition of the schools within their respective systems in order to determine whether they conform to the standards stated clearly by the Court ... Public Education in a racially homogeneous setting is socially unrealistic and blocks the attainment of the goals of democratic education whether this segregation occurs by law or by fact... It is now the ... policy and program of the Board... to devise and put into operation a plan which will prevent the further development of racially homogeneous schools and would integrate the existing ones as quickly as practicable.

Regrettably, Wisconsin officials did not accept the challenge of the Supreme Court decision and the New York City School Board's policy. Since 1954, educators throughout the counrty have been increasingly concerned about racial inequities, imbalances, and de facto as well as de jure segregation in public schools. By the end of 1961 a number of school boards had taken action. New Rochelle had become the "Little Rock of the North," and the NAACP had received widespread publicity for its campaigns against school segregation in many northern cities--notably in Chicago, Milwaukee's neighbor. Yet the Wisconsin State Department of Public Instruction, in its 1962 REPORT, shows absolutely no awareness of racial problems in Milwaukee schools.

The REPORT does reveal, very clearly, that the educational opportunities offered children attending the Fifth Street Elementary School, Fulton Junior High School, and North Division Senior High School are shockingly inferior to those offered children attending Manitoba Elementary School, Audubon Junior High School, and Pulaski Senior High School, for example. There is, of course, no mention of the fact that the first three schools are virtually all Negro and the superior schools virtually all white.

For example, though the Fifth Street Elementary School is one of the better ones in the inner core, it is not nearly as well equipped with respect to teaching materials as the Manitoba Elementary School, which is in an "average" neighborhood on the south side of the city. According to the REPORT:

At Fifth: "More materials are needed on different reading levels in science, health and social studies including supplementary and enrichment books, picture dictionaries and library books."

"The present room collections amount to less than three books per child."

No central library.

"Mention was made of the recent closing of the neighborhood branch library and the loss of this ready source of library materials to meet the needs of the recreational program and to supplement classroom instruction."

At Manitoba: "A portable science table was available on the second floor, and other equipment and material for demonstrations and experiments were located in the central resource room. Several copies of many sets of science texts were noted in the central textbook room. Attempts are made to maintain a supply of current and up-to-date materials."

"Throughout the school, a range of reading materials for social studies was noted..."

The deficiencies of teaching materials, books, and library services at the Fifth Street School work a special hardship on many Negro students whose language difficulties multiply as they move through junior and senior high school.

Moreover, the libraries seem to get worse as the Negro moves through junior and senior high school while the libraries seem to improve for the white child:

At Fulton Junior High:

"...entirely unsuitable floor plan..."

"The extremely poor design of the library prevents maximum use of the reading room and does not provide proper shelving for the number of books required for the school."

At North Division High:

"The library does not serve adequately a school of this size. Its somewhat isolated location on the third floor tends to discourage free and effective use of the library by both pupils and staff members. Since it is closed at noon and after school there can be no spontaneous visiting of the library. This condition, while it may prevent some disciplinary problems, also tends to prevent reading. Good reading fails to become a casual habit when it is hard to attain.

"The present library arrangement, with crowded stacks and long tables set too closely together, does not permit much use by entire classes or by small conference groups.

"The book collection reflects the age of the school. While excellent new materials are being added, the preponderance of volumes which are no longer useful crowds the library and discourages and misinforms readers. A school library must provide the current tools of learning; it should not be permitted to be cluttered with old and useless materials. In several areas of learning the obsolete materials far outnumber currently useful ones.

"The extremely short tenure of recent librarians appears to be both a cause and a result of the adverse conditions mentioned above. To attract and retain a good librarian is a problem in any school; but with unattractive and unsuitable quarters plus a backlog of obsolete materials to be culled, it becomes much more difficult."

Whereas, at Pulaski:

"The library is well situated on the first floor, where all students and teachers have access to it. A workroom and stock room are adjacent to it. The reading room is large enough to meet general needs, and is well-planned

with overhead lighting, a nearly square shape, and perimeter shelving. Books and magazines are arranged to invite good reading... The book collection indicates careful selection over the years... The books are well-catalogued and have been kept in good repair. The present budget is adequate."

Moreover, the Manitoba School seems to have no problem of crowding, whereas at the Fifth Street School: " number of room enrollments were very large for difficult assignments. In a few cases too many problems were concentrated in one room--perhaps with a teacher who could become discouraged."

As Negro students move from the Fifth Street School to Fulton Junior High and on to North Division High, they will have less experienced teachers than those in the white schools:

At Fulton: "Although a few of its members are veterans with several years of experience, a large majority of the staff have limited experience. By excluding the principal and vice principal and despite the inclusion of three veterans with 36, 37, and 33 years of experience respectively, the average total experiences for fifty two faculty members was six years at the beginning of the school year."

"Children must be accepted if they are to be taught effectively. Our supervisors have agreed that in too many instances the response of faculty members to questions and recommendations concerning observations was in essence, 'But you can't do anything with these children.' The staff must be helped to realize that as professional workers they cannot let the frustrations encountered in their day to day contacts with children becloud their responsibilities to provide effective learning experiences."

At North Division: "A study of the time your teaching staff has spent in this school indicates that seven of them are beginning teachers this year; two more are in the first year of your system; and ten more have been in your system for less than three years. This total of nineteen teachers represents about 40 per cent of your teaching staff in the school. Such a turnover rate should indicate the need for a review of selection and retention policies for the staff members of this school."

Whereas, at Pulaski: "Approximately two-thirds of the teachers on your staff have had five or more years of preparation beyond high school and more than 75% of them have had ten years or more of teaching experience."

The REPORT reveals a number of inequities in course offerings, the most obvious being in foreign languages. A white child at Manitoba may begin Spanish in the fifth and sixth grades; he may continue it at Audubon Junior High, and/or begin French, German, Russian, and Latin; and at Pulaski High School he may continue with French, German, Latin, and Russian, and/or begin Polish. A Negro child at Fulton Junior High and North Division High has the opportunity of taking only Spanish there.

Other inequities occur in the curricular and extra-curricular music programs.

At North Division High:

"...the music program in this school is at a very low ebb, particularly the instrumental music..."

"There is no string ensemble, boy's glee club, or general music class as elective. The REPORT notes a need for "concerts and assembly programs that feature good music..."

Whereas, at Pulaski:

> "A very good instrumental instructional program was noted, including a supurb orchestra... The vocal music program has many strong features, including an excellent percentage of students participating, a variety of opportunities for experiences in choral music, and a boys' glee club in addition to the boys participating in the senior choir."

The REPORT contained more serious criticism of Fulton Junior High and North Division High than of any other of the twelve schools visited, far more than could be covered in this STATEMENT. A few examples are:

Of Fulton:

> "Much work is needed to develop courses and course outlines that will meet the peculiar needs of the student body... The developmental reading program and oral composition are examples of subjects in which special emphasis is needed.
>
> "Special study should be made of the promotion and retention policies in this school and contributory elementary schools. It was our observation that some of the children were too old and too big to be in classes visited... Undue retention often produces social problems as well as causing feelings of self consciousness and inferiority among the students.
>
> "It was noted that special provision is being made for students of higher ability in mathematics. While this is commendable, it is felt that as much effort, if not more, should be given to students of average and below average ability. It would seem that many of your students are being presented with materials which are not commensurate with their abilities or interests. Perhaps some consideration should be given to providing remedial instruction on a regularly scheduled basis with appropriate materials and teachers who are especially trained to work with such students.
>
> "In physical education...very little instruction was observed, the emphasis was on play and recreation... class enrollments, ranging from about 43-48, are too large to allow for the most effective teaching... At present five different persons teach health, none of whom have a health minor or major...
>
> "The general climate of the school was observed as being not particularly conducive to the most effective academic and social growth of the children."

North Division:

> "Since communication abilities are basic for all work in education and since this is a subject area in which deficiencies are likely to exist among the educationally underprivileged youth, it would seem desirable for the school staff to give special attention to this area... The need for increasing the social and employment acceptance of pupils who have been born and/or reared in cultures other than that of the midwest should be recognized, and pupils may well be helped in acquiring the so-called 'midwestern accent.' ...at the risk of perhaps appearing too utilitarian, your visitors have been prompted to identify two basic problems facing many North Division students. Many must learn to talk like midwesterners if they are to succeed in this area, and all students must use English which is acceptable for the type of employment they are seeking...

"Help is needed to indoctrinate teachers with the principle that the physical education class period should emphasize 'instruction' rather than 'play'.

"The percentage of students enrolled in science at this high school is somewhat below average...two of the science rooms are not suitably equipped for laboratory activities ...the books being used in these (science) courses are much too difficult for a number of the students.

In conclusion, the REPORT of 1961-1962 clearly shows that the STATE DEPARTMENT OF PUBLIC INSTRUCTION has paid no attention to racial imbalances, inequities, and de facto segregation in Milwaukee schools. It is clear on the basis of the above evidence that the Negro schools are inferior to the white schools in terms of teaching materials, library services, the experience of the teachers, course offerings, and extra-curricular cultural activities. It is clear that the Negro schools are not adequately preparing students for advancement from grade to grade or for life after graduation, in college or in worthwhile jobs. Particularly in the area of language arts--reading, writing, and speaking English effectively--these schools are seriously ineffective.

The NAACP takes the position that the fundamental reason for the ineffectiveness of these schools, especially in the area of language arts, is that they are virtually all Negro. When culturally deprived children associate exclusively with other culturally deprived children, especially when they are members of America's most oppressed minority group, they cannot freely and fully develop, psychologically, intellectually, and socially. Integrated schools, on the other hand, encourage children of various races, social classes, and cultural backgrounds to educate one another not only in the language arts but in democratic values as well. Surely all Milwaukee children deserve equal educational opportunity. They deserve fully integrated schools.

The NAACP urges the State Superintendent of Public Instruction

(1) to recognize the existence of de facto school segregation in Wisconsin;

(2) to recognize its harmful effects on children of all races;

(3) to issue an order for the elimination of de facto segregation; and

(4) to assist local school boards in devising plans (rezoning, bussing, building new schools in racially integrated neighborhoods, etc.) which shall speedily integrate all public schools.

* * * * * * * * *

APPENDIX C

THE STATE OF WISCONSIN
Department of Public Instruction

September 5, 1963

Mr. Lloyd A. Barbee, President
Wisconsin Conference of Branches
Nat'l. Assoc. for the Advancement of Colored People
2606 West Fond du Lac Avenue
Milwaukee, Wisconsin 53206

Dear Mr. Barbee:

As a result of the conference that was held in this office on July 25 in which you participated along with others representing the NAACP and members of our department, I directed a letter to the superintendents of schools in Milwaukee Racine, Kenosha, Beloit and Madison. Replies have now been received from all of them, and I am therefore in a position to send this letter to you.

At the outset I wish to state that all of us in the Department of Public Instruction are very much pleased that you are deeply interested in improving the educational opportunities of Negro children enrolled in the public schools. With the improvement of education for Negro children we trust will come the improvement of education for all children. There still remain inequalities of educational opportunity in Wisconsin which we are working to correct with the cooperation of the people, our legislature and those who are given direct responsibility for the operation of our schools.

This department is genuinely concerned with problems which relate to the improvement of the quality of education that is offered in all public schools of Wisconsin. In Milwaukee as in many other communities we believe that improvements should be made. As recently as last year we submitted recommendations for improvements which we believe should be made in the Milwaukee public schools in not only those schools which you listed as being attended by large numbers of Negro children, but in others as well.

It is no doubt true, as you have indicated, that there are some schools in Wisconsin--Milwaukee in particular--where there is a preponderance of Negro pupils. From the information at hand, it is evident that this situation is not a result of discriminatory action on the part of school boards but is the result of a residential pattern whereby large numbers of Negroes reside within established school attendance areas. School boundaries in Wisconsin have in no instance been set in order to segregate the pupils on the basis of race, religion or nationality.

Upon examination of all the replies given by the authorized administrative heads of the school systems concerned, I find no evidence of discrimination in the establishment of school district boundaries or the operation of public schools in the area in question. There is no evidence to indicate that the school boards of the school systems in question herein have considered the race of pupils as one of the criteria for the establishment of school district boundaries or for the placement of pupils in particular schools. It is recognized that as a result of the residence of pupils, over which school boards have no control, some schools do have more pupils of certain races, creeds and nationalities than do others. Furthermore, any attempt to draw boundary lines or to place pupils of a certain race, creed or nationality in a particular district or school on account of such race, creed or nationality could very well be interpreted as being in violation of Section 40.51 and Section 227.033, Wisconsin Statutes, as set out below:

> "40.51 Exclusion on account of religion, nationality or color a misdemeanor. No person shall be excluded from any public school on account of his religion, nationality or color. No separate school or department shall be kept for any person on account of his religion, nationality or color. A member of any board of education who votes to exclude from any public school any child on account of his religion, nationality or color shall be fined not more than $100 or imprisoned not less than 30 days, nor more than 6 months, or both."

> "227.033 Discrimination by rule prohibited. No rule, either in its terms or in its application, shall discriminate for or against any person by reason of his race, creed, color, national origin, or ancestry. Every person affected by a rule shall be entitled to the same benefits and subject to the same obligations as any other person under the same or similar circumstances."

As you know, Chapter 38, Wisconsin Statutes, outlines the procedures to be followed by the public elementary and high schools of Milwaukee. Section 38.13 (1), Wisconsin Statutes (1961), specifically provides that the establishment of school boundary lines is the responsibility of the Board of School Directors of the City of Milwaukee. Section 38.13 (1) is quoted below:

> "38.13 Schools and school districts; nonresidents and tuition. (1) The board of school directors shall maintain the public schools now established in said cities, and shall establish and maintain such additional schools, elementary, high, junior high and special, as may from time to time be found necessary by it, and said board shall divide said city from time to time into elementary, high, junior

high and special school districts, and said schools shall be opened to students residing within said districts, provided that any pupil residing in any such district may attend a school in another district with the written permission of the superintendent. ..."

From the information submitted to me subsequent to our conference, it appears that the basic factors considered by the Milwaukee school board in dividing the various school districts are as follows: (1) distances to be traveled by pupils attending the schools, (2) capacity of school and numbers of pupils to be accommodated, (3) effective utilization of the school's facilities, (4) traffic routes and industrial districts, (5) topography of the area including rivers, streams, bluffs and other physical features of the land, and (6) natural and man-made hazards.

The criteria used by the Milwaukee school board in establishing school districts is similar to that used by other cities in the state of Wisconsin in establishing school district boundary lines. The fact that such criteria has been widely used in areas where no claim of alleged discrimination has been made would point to the conclusion that criteria used by the Milwaukee school board in setting school district boundaries was founded as a reasonable basis and not the result of a racial bias.

It further appears that the Milwaukee school board has gone beyond that of other Wisconsin cities by having adopted a policy which permits a "free transfer" of pupils from one school district to another by choice of the parent "for any good and sufficient reason, provided the school to which it is desired to transfer does not have a 'Certificate of Overload' on file." Under this policy, between 11,000 and 12,000 transfers have been made and many Milwaukee Negro pupils have availed themselves of this liberal rule.

As you and I are fully aware, the Milwaukee school system, like that of most cities, is undergoing a rapid growth of pupil enrollment, and the school board has been obliged to face many problems of teacher shortage, finance, classroom shortages and modernization needs. Inequalities in these areas exist over the entire state of Wisconsin but fortunately are being recognized and overcome as rapidly as is humanly possible. Much progress has been made in our efforts to overcome these problems, and we are assured that progress will continue.

The members of our department and I recognize full well that there are difficulties being experienced by Negro pupils in Milwaukee. The school attendance center is determined primarily by place of residence, and while we are informed about the housing problems of the Negro citizens of Wisconsin, I think you will agree that the solution of these problems is not for our department to determine.

We do believe that we should continue to lend our services to the Milwaukee school board as fully as possible to help improve the quality of edueation. We intend to continue to work with all school districts in an effort to make educational opportunities as nearly equal as possible for all children.

It is apparent that the Milwaukee school board and administrators also understand your point of view and that they are in full agreement with our department that improvements should continue to be made in the Milwaukee schools. Because they do regard all of the pupils as their responsibility, a special committee has been set up to study the problems involved and to present recommendations. The leadership being thus displayed should be as heartening to you and the people you represent as it is to us.

May I assure you that we do not consider the matters which you have raised lightly. It is our firm purpose not to simply dismiss the problem of helping all of our pupils to feel that they are getting full measure when they attend our public schools. We shall do all within our power, our authority and within the funds which are at our disposal to help achieve the goal of equality of educational opportunity.

I should like to urge you to assist the Milwaukee board of education in its effort to find a sound solution to the problems which the board faces. By demonstrating a spirit of cooperation the Department of Public Instruction, the NAACP, the Milwaukee public schools, and the state of Wisconsin will move forward

and will give to our pupils of all races the fair treatment to which they are entitled as citizens of our state and of our nation.

Very truly yours,

/s/ Angus B. Rothwell

Angus B. Rothwell
State Superintendent

ABR:ja

cc: Mr. Len A. Brittelli, Beloit
Mr. Robert D. Gilberts, Madison
Mr. Harold R. Maurer, Kenosha
Mr. John Prasch, Racine
Mr. Harold S. Vincent, Milwaukee

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APPENDIX D

POLICY STATEMENT ON DE FACTO SEGREGATED PUBLIC SCHOOLS ADOPTED BY THE CALIFORNIA STATE BOARD OF EDUCATION, JUNE 14, 1962.

June 14, 1962

CALIFORNIA STATE BOARD OF EDUCATION DECLARATION OF POLICY WITH REFERENCE TO DE FACTO RACIAL SEGREGATION IN PUBLIC SCHOOLS

In its historic decisions of May 17, 1954, the Supreme Court of the United States declared that segregation of school children on account of race or color, even where physical facilities and other tangible factors are equal, inevitably results in unlawful discrimination. In California, by law and custom, we have historically operated on the democratic principle of equality of educational opportunity for all children, without regard to race or color, and for this reason it was easy for us to accept the underlying hypothesis of that decision and applaud its rendition. We now find, however, that primarily because of patterns of residential segregation, some of our schools are becoming racially segregated in fact, and that this challenge to equality of educational opportunity must be met with the full thrust of our legal authority and moral leadership.

We fully realize that there are many social and economic forces at play which tend to facilitate de facto racial segregation, over which we have no control, but in all areas under our control or subject to our influence the policy of elimination of existing segregation and curbing any tendency toward its growth must be given serious and thoughtful consideration by all persons involved at all levels. Wherever and whenever feasible, preference shall be given to those programs which will tend toward conformity with the views herein expressed.

REGULATION OF THE CALIFORNIA STATE BOARD OF EDUCATION: ADOPTED OCTOBER 18, 1962; EFFECTIVE NOVEMBER 22, 1962.

October 18, 1962

A resolution by the State Board of Education to add Article 1.5 to Subchapter 8 of Chapter 1 of Title 5 of the California Administrative Code, relating to establishment of school attendance areas in school districts.

Be it resolved by the State Board of Education, acting under the authority of, and implementing, Education Code Section 152, and pursuant to the Administrative Procedure Act, that:

Section 1. Article 1.5 is added to Subchapter 8 of Chapter 1 of Title 5 of the California Administrative Code, to read:

Article 1.5. Establishment of Schools Attendance Areas in School Districts

2010. Establishment of School Attendance Areas in School Districts. For the purpose of avoiding, insofar as practicable, the establishment of attendance areas which in practical effect discriminate upon an ethnic basis against pupils or their families or which in practical effect tend to establish or maintain segregation on an ethnic basis, the governing board of a school district in establishing attendance areas in the district shall include among the factors considered the following:

(a) The ethnic composition of the residents in the immediate area of the school.

(b) The ethnic composition of the residents in the territory peripheral to the immediate areas of the school.

(c) The effect on the ethnic composition of the student body of the school based upon alternate plans for establishing the attendance area.

(d) The effect on the ethnic composition of the student body of adjacent schools based upon alternate plans for establishing an attendance area.

(e) The effect on the ethnic composition of the student body of the school and of adjacent schools of the use of transportation presently necessary and provided either by a parent or the district.

REGULATION CONCERNING SCHOOL SITES ADOPTED BY THE CALIFORNIA SUPERINTENDENT OF PUBLIC INSTRUCTION, EFFECTIVE NOVEMBER 22, 1962.

September 28, 1962

A declaration by the Superintendent of Public Instruction as Director of Education amending Section 2001 of Title 5 of the California Administrative Code, relating to school sites.

The Superintendent of Public Instruction as Director of Education, acting under the authority of, and implementing, Division 11 of the Education Code, and pursuant to the Administrative Procedure Act, hereby declares:

Section 1. Section 2001 of Title 5 of the California Administrative Code is amended by relettering subparagraph (c) as (d); relettering subparagraph (d) as (e); relettering subparagraph (e) as (f); relettering subparagraph (f) as (g); and adding new subparagraph (c) to read:

(c) Ethnic Composition of the Area.

(1) Present ethnic composition of the area.

(2) Probable future ethnic composition of the area.

(3) Degree of concentration or dispersion of residents of different ethnic groups.

(4) Proximity to the proposed site of residents of various ethnic groups.

(5) Effect on ethnic composition of existing schools adjacent to the proposed site.

DIRECTIVE FROM THE CALIFORNIA STATE BOARD OF EDUCATION TO COUNTY COMMITTEES ON SCHOOL DISTRICT ORGANIZATION CONCERNING RACIAL AND ETHNIC INTEGRATION AND SCHOOL DISTRICT REORGANIZATION.

October 12, 1962

TO: Chairman, County Committee on School District Organization, and County Superintendents of Schools

In addition to the items specified in "Manual for Study of School District Organization by County Committees", each study report submitted in support of a certificate of recommendation for district organization by a county committee shall contain assurance that:

(1) the county committee has considered the present and possible future ethnic composition of the residents of the territory included in the proposed new district and in the territory adjacent to it, and

(2) in the judgment of the county committee the proposed new district will not place obstacles in the way of achieving racial integration in the schools.

This information is requested with the knowledge that county committees are aware of the ethnic problems in the county. The inclusion of this material in the study report submitted will provide evidence, previously omitted, that the ethnic problem has been considered.

* * * * * * * *

APPENDIX E

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

Report of the Ad Hoc Committee of the Board of Education to Study Ethnic Factors in the San Francisco Public Schools

INTRODUCTION

The Ad Hoc Committee of the Board of Education to Study Ethnic Factors in the San Francisco Schools was appointed by President Ladar pursuant to Board Resolution # 29-18A1 as follows:

> RESOLVED: That the President appoint a special committee of three Board members to analyze and evaluate in cooperation with the Superintendent the recommendations which have been made to the Board of Education - and all aspects of this issue - and report to the Board of Education not later than its first regular meeting in April, 1963 - Tuesday, April 2, 1963.

This Resolution was adopted on September 18, 1962 at the end of a meeting which was held for the purpose of giving the community an opportunity to respond to the Superintendent's report of June 19, 1962 entitled, "The Proper Recognition of a Pupil's Racial Background in the San Francisco Unified School District," and to make additional suggestions. The report had been made, at the request of the Board, following expressions of community concern about racial factors in the schools, and the education of Negro children.

The Committee's findings and recommendations, which will appear below, are based on an investigation which has occupied the Committee during the time allotted by the Resolution. A major concern has been the education of the children in the schools where heavy concentrations of Negro pupils exist, causing racial imbalance in those schools. To carry out its directive and to secure the necessary information, the following steps were taken:

1. The Committee reviewed ana analyzed all presentations made to the Board, especially those of September 18, 1962, to determine what were the subjects of major concern.

2. The Committee reviewed and analyzed the Superintendent's report referred to above.

3. The Committee held a series of public meetings at which appropriate staff members described and explained current School District policies and practices in the selected fields of study. The citizens of San Francisco were encouraged to participate and express their views. To this end advance public notice was given of each meeting and direct mailing made to those groups and individuals who had expressed special interest.

4. The Committee made visits to schools and sought the views of teachers and administrators.

5. The Chairman attended two national conferences at which experts in a variety of professional fields - law, sociology, psychology, education, community relations - met to exchange information and opinions on racial factors in the schools.

6. The Committee engaged Mr. Robert Stoffer, a retired Assistant Superintendent, to make a study of school attendance zones from the point of view of the racial distribution of pupils. For this purpose application was made for, and a generous grant received from the San Francisco Foundation.

7. With funds received from the San Francisco Foundation, the Committee commissioned two members of the faculty of the San Francisco State College to review the testimony and information gathered. They raised a number of questions that point to important subjects for extensive research.

8. The Committee secured and weighed information about programs and procedures that have been devised in other cities in connection with racial imbalance and improvement of the instructional situation for pupils.

It is not the purpose of the ensuing report to set forth the details of the mass of factual and statistical data that form the basis for the conclusions reached. Relevant documents, including verbatim transcripts of the public meetings of the Ad Hoc Committee, will be on file in the Teachers Professional Library (135 Van Ness Avenue) for the convenience of persons wishing to study them. A bibliography is appended to this report.

Members of the Staff were unfailing in gathering requested information, even when it meant extra work after hours. Expressions of the public interest by representative citizens supplied the Committee with insights into community attitudes and aspirations. Many persons, unconnected with the District, generously shared their expert knowledge. To all these, and to the donor of the fund furnished by the San Francisco Foundation the Committee expresses its profound gratitude.

This report is predicated on the belief that community vitality depends on a constantly renewed supply of trained, aspiring, hopeful youth -- all youth. The school system of San Francisco, so willingly supported by its citizens, has a social obligation to the City and a moral obligation to the individual to provide instructional conditions that promote personal growth and achievement. Where there are barriers that stand between the child and effective learning the schools must unceasingly search for means to overcome them.

As a corollary, the Committee supports a reinterpretation of the principle of "equality of educational opportunity" as a guide to the operation of schools. Pure quantitative "equality," especially in terms of teacher-pupil ratio, assignment of teachers and instructional methods, without regard for children's origins or advantages, is not enough. If "individualization of instruction" means anything it means fitting the opportunity to the child.

It is evident that practice in the District already recognizes this. The Superintendent's report of June 19, 1962 describes in detail programs and practices already in effect which are designed to compensate children for handicaps that home or society have imposed. Since publication of that report the District has continued to intensify its efforts to circumvent cultural obstacles to learning. Attention is called to the following:

1. The Superintendent's $100,000 Compensatory Education Fund approved by the Board of Education for inclusion in the 1962-1963 budget. The money is used to provide teachers beyond formula in schools where cultural deprivation is intense to give special help in the foundation subjects.

2. Intensification and extension of in-service courses for teachers to improve their understanding and instructional effectiveness with minority groups.

3. The work-experience program developed cooperatively by the School District and the San Francisco Housing Authority, which provides jobs for youth living in low income sections of the City. It is expected that the economic benefits and the motivational features of this program will reduce school drop-out among the students involved.

4. A new plan to capitalize upon the experience of San Francisco State College volunteers. These students are serving the School-Community Improvement Program by helping pupils in evening study centers. They will do their student teaching in the schools in which these pupils are enrolled. The insights and experience gained will enhance the qualifications of these young teacher candidates for careers in schools attended by the culturally handicapped.

5. The plan currently being worked out by the Senior High School Division and the City College for an educational track beginning in the tenth grade which will take the student through the fourteenth grade when he will be qualified as an engineering technician. The clear visibility of eventual employment should provide motivational stimulus.

6. The development of a study unit on goals for an urban society, including human relations, with particular reference to San Francisco, to be part of the required Senior Civics course.

7. The experimental use of volunteer teacher aides in schools that are part of the Ford Foundation sponsored School-Community Improvement Program.

8. A State Compensatory Education bill introduced at the request of the San Francisco Board of Education.

The list is by no means complete. It is given to suggest the kinds of attack that are being made to combat deficiencies where they exist.

The Committee's study of current policy and practice in the School District and of proposals made to the Board of Education by the various interested civic groups has led to the series of conclusions which follow. We offer them with the assurance that they were reached with serious attention given to the educational rights and privileges of each child in the school system.

ATTENDANCE ZONES

Attendance zones for elementary and junior high schools are delineated and adjusted by the Assistant Superintendents in charge of the respective divisions in accordance with the neighborhood school plan established by Board policy. The procedures and criteria used have been thoroughly described in the Superintendent's report of June 19, 1962 and in the reports made to this Committee by the Assistant Superintendents. It is not necessary to recapitulate them here. The Committee is satisfied, that the policy has been followed fairly, without intent to manipulate school populations in such a way as to produce racial homogeneity.

As a matter of fact no serious contention to the contrary was made to the Committee. It is also true that the neighborhood school plan is generally accepted by the community as the most desirable method of assigning pupils to schools, especially elementary and junior high schools. Even the more ardent critics have not suggested abandonment of the plan or significant deviations from it; nor does the Committee.

Parenthetically, it is the judgment of the Committee that the term "segregation" whether de jure or de facto is a misnomer as applied to San Francisco schools. Segregation is an overt act that has not occurred in San Francisco. It is a disservice to the City and its schools to fail to distinguish between local racial concentration and the kind of school conditions elsewhere that might merit the use of the term "segregation."

Nevertheless, the fact remains that, stemming from factors beyond the control of the School District, there exists a considerable number of schools having a preponderance of one or another race. Voluntary or involuntary residential concentrations in neighborhoods or in massive housing projects, socio-economic conditions which prevent population diffusion, the location of parochial schools in certain neighborhoods, even the topographical peculiarities of the City combine to produce racial imbalance in some schools.

Careful study of actual attendance zones disclosed a lack of substance in the contention made in the abstract by some presentations that simple readjustment of boundaries will alleviate racial concentrations as things stand now. (Reference is made to Mr. Stoffer's analysis and maps.) At the same time the Committee is agreed that the Board should seek means to alleviate racial concentrations in the schools under its management. Therefore, it is recommended that wherever practicable and reasonable and consistent with the neighborhood school plan the factor of race be included in the criteria used in establishing new attendance zones or in redrawing existing boundaries as the need arises. Implementation of this recommendation will be the function of the professional administrative staff.

The Committee is in no better position to provide a working definition of "racial balance" than are the community relations experts and sociologists and educators who are knowledgeable on the subject of race. The idea of fixed ethnic quotas for schools is as repugnant to a free society as it is impractical. In making its recommendation the Committee has confidence that the goodwill of the community and the good faith of the administration will foster the movement toward racial harmony in the interest of educational progress.

It has been contended that optional districts for elementary schools have served to intensify racial concentration. Actually it has been the practice and policy of the Elementary Division to eliminate optional districts and only eight such areas exist, none of which appears to affect adversely the racial composition of the schools involved. The sole optional area in the Junior High Division exists because of the topographical features of the neighborhood and has no discernible racial effect.

The high schools, by the very nature of their broad attendance zones and the greater freedom of choice given students to select a school, are less affected by neighborhood racial characteristics. For the older student proximity to school is less important than for the elementary or junior high child; and it was not until the post-war student population crowded the high schools that it became necessary to establish attendance zones for them. Prior to that time a student had the privilege of choosing any school that could accommodate him. The recent opening of Woodrow Wilson has added classroom space to the High School Division, but it appears that the school will soon again become fully occupied as the present junior high school population moves on.

Apart from the need for an orderly and equitable method of distributing students among the high school buildings when they are operating at capacity, there is no apparent reason to maintain rigid attendance boundaries. The Board of Education and the Superintendent have already endorsed the attendance plan as set forth in the Board of Education policy of 1936 which reads as follows:

> Pupils shall be permitted to enroll in any secondary school in the city if accommodations permit. If the number enrolled in any secondary school exceeds the number that can be accommodated, preference must be given to those pupils who reside nearest the school.

The Committee recommends that this policy be reinstated as soon as possible for the Senior High School Division.

SITE SELECTION

Sites for new buildings are selected primarily to provide classrooms where they are needed by virtue of population growth or the ebb and flow of neighborhood concentrations. Factors such as availability and cost of land, accessibility, proximity to other community facilities, the Master Plan of the City of San Francisco, forecasts of population trends, traffic and transportation, relationship to existing schools are among the considerations that go into the final choice.

San Francisco's limited land area and its unique topography do not always permit the selection of sites that fulfill all the requirements. While race has not been one of the criteria by which the suitability of proposed locations is judged, recent experience with two schools, Pelton Junior High and Anza Elementary, has bearing on the matter.

Both were built in predominantly Caucasian neighborhoods adjacent to predominantly Negro neighborhoods, to serve children from both areas. The proportion of Negro pupils in both has been growing progressively; but a reversal of this trend may take place as scheduled redevelopment changes the character of the neighborhood adjacent to Anza and new construction in Hunters Point replaces temporary war housing.

School buildings are relatively permanent; populations are fluid, not always in predictable ways; patterns of age in neighborhood populations change. Nevertheless, attendant complexities should not deter the School District from the quest, through judicious choice of sites, for the reduction of racial concentrations in the schools. Illustrative is the recent recommendation made by the Superintendent to modernize the Raphael Weill School in the Western Addition and to add classrooms to accommodate the anticipated enrollment from the new privately financed housing in the area. The Board of Education authorized the expenditure of $500,000 for this purpose.

The Committee therefore recommends that, along with the other criteria applied in selecting sites for new schools or additional classrooms, race too shall be taken into account.

OUT-OF-DISTRICT TRANSFER PERMITS

Out-of-district transfer permits are issued to alleviate hardships which individual pupils or their parents might suffer were the children unfailingly required to attend their neighborhood schools. Day care center attendance, the convenience of working parents, traffic patterns, health, after-school care are grounds for permitting out-of-district transfers in the Elementary Division. Race is specifically excluded from the list of valid reasons. As might be expected the largest number of permits granted is to elementary school pupils (1616 in the 1961-1962 school year out of a total of 53,500 elementary pupils).

The number in the secondary schools for the same period is insignificant (41 in the senior high schools and 75 in the junior high schools). Curriculum and residence of legal guardian in the former and change of residence in the latter account for the bulk of permits issued.

The Committee found no evidence that out-of-district transfer contributes to racial imbalance, nor is there any reason to believe that it can undercurrent safeguards. In one instance the number of transfers into a particular school (Grant) was questioned. The fact that Grant had been an uncrowded eight-grade elementary school up to September, 1961 and that transfer permits had been issued to children whose parents preferred the 8-4 plan accounts for this situation. This reason no longer pertains, the 7th and 8th grades having been eliminated, and a gradual reduction of the number of out-of-district pupils on permits should occur. Even in this instance it became clear that race had no bearing on the matter.

It has been suggested that a more liberal out-of-district transfer policy might act as a deterrent to racial imbalance. "Open enrollment" has been employed in other places to relieve overcrowding or to permit parents the choice of a school for their children in neighborhoods less racially homogeneous than their own.

After investigation of the factors involved it is the judgment of the Committee that open enrollment would not be an effective tool in San Francisco at this time. There is also the danger that in actual operation it might have the opposite effect of increasing imbalance.

The Committee recommends that the rules governing out-of-district permits be continued as they are.

PUPIL TRANSPORTATION FOR EFFICIENT BUILDING UTILIZATION

Elementary and junior high school students are transported at District expense to under-utilized schools to avoid overcrowding in others and to obviate the necessity for double-sessions; to insure for each child a full day's schooling and an equal share of teacher attention. Racial mixture in the receiving schools is often a practical effect, for these are usually located in predominantly Caucasian neighborhoods, while the transported children come from neighborhoods of high population density and growth, often predominantly Negro. Some examples follow:

Dudley Stone to Twin Peaks Annex
Grattan to Jefferson
Andrew Jackson to Robert L. Stevenson
Bret Harte to Sunnyside, Hillcrest and E. R. Taylor
Emerson to Winfield Scott (other Emerson children are assigned to Grant, Yerba Buena, Geary, and Redding)
John Muir to Presidio Junior High
Dudley Stone to Aptos Junior High

It should be noted that bused children are distributed into existing classes in the receiving schools.

The Committee regards busing as an expedient to be used only as emergencies arise out of population shifts within the City, not always predictable; or such catastrophic events as the Jefferson School fire. The Superintendent, in his report of June 19, 1962, has listed the kinds of educational problems that develop and the Committee calls attention additionally to the cost involved. This year, $145,000 is being spent on pupil transportation, in addition to the amount spent on providing bus tickets to children assigned to out-of-district schools. This is money that comes from local School District funds without State reimbursement, money that might be spent more profitably on direct instructional services were classroom space available in the neighborhoods of pupils' residence.

Evidence is lacking that any supposed inherent advantages gained by sending children to distant schools outweigh the known disadvantages; therefore the Committee does not favor busing for the sole purpose of relieving imbalance. The Committee endorses present practice of busing children only as neighborhood classroom space becomes insufficient.

BUILDINGS, MAINTENANCE AND MODERNIZATION

School buildings in San Francisco with one exception range in age from fifty-five years to less than one year. Construction has followed population movements, new residential developments and replacement needs. Thus while there are concentrations of new buildings in the more recently developed neighborhoods (Sunset and Hunters Point) new additions or modernization have in general maintained the quality of structures in older neighborhoods. It is to be noted that the extensive building programs of the 1948 and 1956 bond issues, -- $48,890,000 and $27,000,000 respectively, have served all areas of the City.

There is no pattern of correlation between the age or attractiveness of buildings and the racial composition of their student bodies. The same may be said for the kinds of advantages offered in terms of auxiliary facilities - cafeterias, libraries and recreation areas. Children of all kinds go to school in all kinds of buildings.

Maintenance of buildings follows a schedule designed to distribute equitably the funds that are budgeted for this purpose. Flexibility does exist to compensate for such neighborhood variables as climate, numbers of students, vandalism, and the kind of treatment given a building by its pupils. The only limitation on

perfect maintenance at all times is budgetary. As it is, choices must be made to correct the more serious or dangerous or unsanitary conditions that develop.

The Committee found no evidence of discrimination in maintenance practices. The condition of one school in Hunters Point was called to the Committee's attention; but it was found that the building was already scheduled for repair.

For children whose homes and surroundings are poor, crowded and graceless, the physical qualities of their schools are undoubtedly of special importance. Every effort is and should be made to provide buildings that are attractive and to maintain them in such a way as to sustain pride and loyalty. Consequently, the Committee recommends that in planning future building programs, the Board give to the respective neighborhoods the attention in plant provision that is implicit in such goals.

CLASS SIZE AND TEACHER-PUPIL RATIO

Teacher-pupil ratio is governed by a formula established by Board policy for each grade in the elementary schools and for the allotment of teachers to the secondary schools. Tolerances written into the formulae allow for differences in actual class size to meet variable conditions.

The Committee was interested to discover if a pattern of variance in class size existed and if it could be related to ethnic differences among the schools. It might be expected that classes in minority group neighborhoods would tend to be larger because of population congestion in those neighborhoods. A comparative study of class size in two groups of schools, one predominantly Negro, ("A" schools), the other predominantly Caucasion, ("B" schools), reveals that class size in "A" schools is significantly smaller than it is in "B" schools. (Attention is called to the report made by the Director of Research at the February 27 meeting of the Ad Hoc Committee.) It is evident that administration is making efforts within the limitations of formula, to protect the educational opportunity for children who enter school with cultural handicaps.

The Superintendent's Compensatory program in 17 schools has the effect of reducing teacher-pupil ratio, though not class size, by assigning teachers beyond formula to schools in which there are numbers of children who are below grade level in the basic subjects, particularly in reading and the associated language skills. Children are taken out of their regular classrooms in small groups for periods of an hour for concentrated reading and language instruction. During the time these children are away from their regular classrooms, and this goes on for some weeks, the remaining children also have the advantage of reduced class size. While this program has been in effect for less than a year, already there are indications of its successful contribution toward raising achievement levels.

The Committee, therefore, recommends that the Superintendent be authorized to prepare plans for the augmentation of the Compensatory program, consistent with the financial capabilities of the District and the right of all children to a full educational opportunity. It is intended that the program be extended to other schools marked by noticeably large groups of pupils whose achievement in basic subjects consistently falls below grade level. It is further recommended that in the assignment of additional teachers to such schools, proper consideration be given to both their talents and their attitudes. It is expected that the resultant reduction in pupil-teacher ratio within the school will also make possible more frequent contacts between teachers and parents, thereby further stimulating student motivation.

HUMAN RELATIONS

The public schools are in a unique position to foster attitudes of self-respect and of mutual respect among peoples, that will build community solidarity and the creative interaction of all segments of society. That the San Francisco School District is already responsive to this obligation and opportunity is evident from the record of in-service courses, adult courses, attention to textual materials, faculty meetings, student activities, attention to youth employment opportunities, and the School-Community Improvement Program in the Western Addition.

In order that the goals of understanding and goodwill be given further emphasis

and support, the Committee recommends that a position be established in the Office of the Superintendent with the following responsibilities for Human Relations and compensatory activities:

1. To centralize efforts to solve questions arising from ethnic differences.

2. To formulate means whereby the activities of parents, teachers, civic, labor and business groups and municipal authorities can be harmonized and channeled into effective programs for minority youth.

3. To keep abreast of research and successful programs, instructional and in the area of Human Relations, both within the District and elsewhere. To disseminate such information throughout the school system.

4. To concern himself with the human relations aspects of instruction as they relate to textbooks, intramural student activities, motivation, staff attitudes and understandings.

5. To devise means for the harmonious reception of children who are bused or transferred into schools away from their own neighborhoods. Similarly to work with the guidance staff and faculties in planning for the reception, orientation and placement of in-migrant students.

6. To assume such other duties in this field as may be required.

TEACHER EMPLOYMENT, ASSIGNMENT AND TURNOVER

Teachers are selected by means of a "merit system" that places candidates on eligibility lists in the order of the scores they make on qualifying examinations. The scores are a composite of the results of written and oral examinations and of recommendations made by previous employers and instructors. The divisional superintendents then assign persons from the eligibility lists to vacancies as they occur in the schools. In rare instances where there may be shortages in certain categories of teachers and eligibility lists are exhausted, appointments are made by committee. Provision is also made for the permanent employment of long-term substitute teachers who have served well and are recommended by their superiors for probationary status. The entire procedure is designed to secure for the District a competent, professional staff and to distribute that staff uniformly among the schools.

There is evidence of a gradual increase in the number of Negro teachers employed and of their diffusion through the system. Whether the latter occurs by design or chance, the Committee regards it as wholesome and desirable. The Committee therefore recommends that it be the stated policy of the District, to assign staff to schools in such a manner as to provide for wide distribution of teachers who are members of ethnic minorities and to encourage qualified minority group teachers to apply for promotion into the administrative ranks. It is understood that the special instructional needs of individual schools and the right of teachers to request and be granted transfer for valid reasons, are to be honored as they have been in the past. It is further recommended that counselors and teachers give every encouragement to promising minority group students in the San Francisco schools to continue their education and to train for careers in teaching.

Despite the difficulty of computing turnover rates for individual schools (see February 28, 1936 report of Director of Personnel) the Committee was concerned to determine if there is an excessive rate of turnover in schools located in minority neighborhoods. A study of sample elementary schools in Negro and Caucasian neighborhoods was made. Apart from two schools in Hunters Point that are inconvenient of access by public transportation no difference was found between the two groups of elementary schools. Among the junior high schools a somewhat higher rate did appear in the minority group schools. The figures show a 19 per cent average turnover for these schools as against 13 per cent for the others during a five year period. Although conclusions should not be drawn from limited evidence of this kind, the Committee nevertheless recommends that the administration maintain a careful watch of teacher movements and institute corrective measures should turnover become excessive.

PUPIL TRANSIENCY

Transiency is defined as three kinds of movement: into the District, within the District and out of the District. The last needs little comment other than to note that, in the main, it represents the departure of young Caucasian families for the suburbs or the transfer of their children into private schools. It reflects a trend common to Northern cities and accounts, in part, for the proportionate rise in the minority group population of urban public schools.

It is the movements of school-age children into the City and the extent to which individual children transfer from school to school that are of serious educational consequence. Mobility is abnormally high in the Western Addition and Mission districts, and its effects most severe on the schools of those neighborhoods. Families in the Western Addition, Negroes to a large extent, have suffered from the unsettling effects of redevelopment in that area. The neighborhood is also the first home for many in-migrant Negro families, as the Mission is for the Spanish-speaking population.

The association between scholastic retardation and transiency is undoubtedly more than coincidence. Frequent transfer affects not only the children who themselves are transient but also those into whose c assrooms they move, particularly in mid-semester. In the Western Addition there is a pattern of circular movement among the elementary schools, owing to the dislocations and uncertainties created by redevelopment. In-migrant students sometimes bear the additional handicap of having started their education in schools whose standards are lower than those that govern the California system. It is probably true that absenteeism and tardiness are more prevalent in schools where student turnover is high. An interesting paradox is the fact that Raphael Weill Elementary School in the Western Addition has had one of the highest pupil turnover rates at the same time as its teacher turnover rate is among the lowest.

It should be noted that pupil achievement in the more stable Negro neighborhoods, as measured by standardized tests, tends to be better than in the transient ones. Associated with greater stability is, of course, greater socio-economic advantage. On the other hand, poverty and transiency reinforce each other in their depressing effects.

In making its recommendations for additional compensatory services and for the new position in the Central Office, the Committee had in mind the problems created by transiency as well as by cultural deprivation.

In-migrant students will receive the benefits of strengthened compensatory and orientation programs. Closer cooperation between the School District and housing agencies, public and private, may help to mitigate the consequences of internal transiency.

DROP-OUTS

A "drop-out" is a student who leaves school before completing the twelfth grade. In San Francisco the preponderance of students who drop out, apart from those who leave the City without requesting transfers, do so for the following reasons: they are older than the compulsory attendance age; they have secured full time work; they have been exempted with parental consent for failure or incorrigible truancy; they have joined the armed forces or entered into marriage.

Whatever the reason, failure to acquire a high school diploma disqualifies a student for matriculation into institutions of higher learning and dangerously narrows his chances of steady employment. For minority youth the vicious circle of poverty and deprivation is completed. The fact that employment opportunities for unskilled labor are steadily becoming fewer has been so well publicized as to need no further elaboration here.

The actual dimensions of the problem as it exists in San Francisco can only be approximated. Systematic accounting and follow-up of drop-outs has not been practiced. It is not known how many of the large number of students between the ages of 18-25 who are working for their high school diplomas in the adult schools are former pupils in the San Francisco high schools. Investigation has revealed a number of school-age students in the evening apprenticeship program who may be counted unknowingly into the drop-out totals. Since the time that the report on drop-outs was made to the Committee, ten students are known to have returned to one of the high schools.

There is no doubt that, whatever the true figures may be, the drop-out rate is higher for schools having large proportions of students belonging to certain minority groups. The administration has given much attention to devising methods of preventing drop-out and has been active in engaging the cooperation of community and business groups. The Compensatory and School-Community Improvement Programs are aimed at the kind of improvements in skills and attitudes that will keep children in school.

The Adult Division has recently made a proposal for a pilot project under the terms of the Manpower Development and Training Act that opens a new avenue of attack on the drop-out problem. The plan is for a year's course that will combine vocational training and completion of high school graduation requirements. The project is designed specifically for drop-outs. There is reason to believe that the plan will be approved and the Committee is hopeful that it will materialize.

It is difficult under present circumstances to measure statistically the effectiveness of these programs, if this is ever possible. The Committee, does, however, support the Superintendent's recommendation that as an aid to drop-out prevention, systematic accounting and follow-up be instituted. This should include development of procedures whereby former high school students can be identified by the Adult Division. As more refined methods for early detection of potential drop-outs are found they should be made known to counselors so that appropriate prevention action can be taken.

ADDITIONAL CONCLUSIONS

1. The Committee endorses the recommendations made by the Superintendent in his report of June 19, 1962, for intensification of positive programs now in effect for minority youth, especially as they relate to stimulation of motivation through instructional offerings and employment opportunities.

2. The Committee recommends that the Superintendent be encouraged to proceed with his proposal to engage support for a pilot nursery-school program in Federally supported housing projects, to determine experimentally the effects on culturally deprived children of early exposure to educational activities. In this connection it would be useful if research funds could be secured to conduct a follow-up study of Negro children who have been enrolled in the pre-school Child Care program and who have continued on through the system.

3. Many crucial questions about optimum learning conditions for minority youth in urban society remain essentially unanswered.

   For example:

   Is there a positive correlation between a pupil's achievement and the racial composition of the school he attends?

   What effects does busing have, if any, on behavior and scholastic achievement?

   Is there a positive correlation between a pupil's level of aspiration and the racial composition of the school he attends?

   What relationship, if any, exists between drop-out rate and the racial composition of schools?

   What can teacher training institutions do to increase the competence of their graduates to teach culturally deprived students?

   What are the effects of class size and ability grouping on scholastic achievement?

Answers to these and other questions would require extensive research of the kind that a school district, which owes priority to direct instructional use of funds and personnel, is in no position to support. It must rely on institutions whose function it is to engage in basic research to provide answers. The Committee therefore recommends that the School District cooperate with qualified institutions of higher learning and research foundations in their investigation of ethnic factors in education.

But efforts of a school system to meet the educational needs of its students cannot be suspended pending the discovery of scientific solutions to instructional problems. The experience of educators and the goals that a community establishes for the schools it supports are also guides to Boards of Education in setting policy.

The recommendations contained in this report are made to provide official philosophical guidelines for the administration of the schools in San Francisco. They express the conviction that excellence of education is the prerogative of all citizens and is the condition for fulfilling their concomitant obligation to society. The recommendations reassert the historic role of the schools in the national drive toward social progress. They invite all San Franciscans to join in pursuit of the standards of civic excellence this report seeks to serve.

The Committee recommends that this report be approved by the Board of Education as its statement of philosophy and policy governing the School District's consideration of racial factors.

Respectfully submitted,

Mrs. Edward Matzger, Chairman
Joseph A. Moore, Jr.
James E. Stratten

APPENDIX

The following reports are catalogued and filed in the San Francisco Unified School District, Teachers Professional Library, 135 Van Ness Avenue. They are subject to public reference at the Library.

They constitute:

1. The reports presented before the Ad Hoc Committee of the Board of Education to study ethnic factors in the San Francisco schools, during its public hearings and deliberations.

2. The Superintendent's report on this subject presented June 19, 1962, and referred to in the report of the Board of Education Committee.

3. The transcript of the Board of Education meeting of September 18, 1962, at which time various public citizens and groups presented their views on the subject.

4. Maps used as exhibits in the presentation of reports before the Board Committee.

PRESENTATIONS BEFORE THE COMMITTEE

1. ATTENDANCE ZONES, LEGAL ASPECTS
(Ad Hoc Committee, November 15, 1962)
Breyer, Irving G., Legal Adviser, San Francisco Board of Education

Interprets the original regulation of the Board of Education on Attendance Zones as it applies to the current question of attention to ethnic factors.

2. PUPIL TRANSFER POLICY OF THE JUNIOR AND SENIOR HIGH SCHOOL DIVISION
(Ad Hoc Committee, December 20, 1962)
DeLara, Lane E., Supervisor, Junior and Senior High School Divisions

Analyzes in the secondary divisions the various types of student transfers and methods used in processing them.

3. ATTENDANCE ZONES OF THE JUNIOR HIGH SCHOOL DIVISION
(Ad Hoc Committee, November 15, 1962)
Dierke, James, Assistant Superintendent, Junior High School Division

Describes the development of and methods used in formulating junior high school district boundaries.

4. STUDENT TRANSPORTATION IN THE JUNIOR HIGH SCHOOLS
(Ad Hoc Committee, February 21, 1963
Dierke, James, Assistant Superintendent, Junior High School Division

Explains briefly the intermittent need of using busing for better building utilization within the Junior High School Division.

5. HUMAN RELATIONS TEXTBOOKS, AND PUPIL INTRAMURAL RELATIONS
(Ad Hoc Committee, January 24, 1963)
Hill, Joseph B., Coordinator, Curriculum Division

Explains how the consideration of minority groups affects these areas of the school program.

6. ATTENDANCE ZONES OF THE ELEMENTARY DIVISION
(Ad Hoc Committee, November 15, 1962)
Kent, Tennessee, Assistant Superintendent, Elementary Division

Points out the methods used in maintaining elementary school district boundaries.

7. QUESTIONS CONCERNING OPTIONAL SCHOOL DISTRICTS
(Ad Hoc Committee, December 20, 1962)
Kent, Tennessee, Assistant Superintendent, Elementary Division

Explains in detail how the optional school district functions as it is related to specific elementary schools.

8. PUPIL TRANSPORTATION IN THE ELEMENTARY SCHOOLS
(Ad Hoc Committee, February 21, 1963)
Kent, Tennessee, Assistant Superintendent, Elementary Division

Describes the assignment of overflow enrollments from crowded schools to other elementary schools with available space.

9. TEACHER SELECTION, TRANSFER, AND PROMOTION
(Ad Hoc Committee, February 7, 1963)
Nichols, Ward M., Coordinator, Personnel

Presents the methods and techniques inherent in the employment and distribution of teachers in the San Francisco Unified School District.

10. TEACHER TURNOVER, SAN FRANCISCO UNIFIED SCHOOL DISTRICT
(Ad Hoc Committee, February 28, 1963)
Nichols, Ward M., Coordinator, Personnel

Gives a statistical analysis of the movement of teachers with the local School System.

11. ATTENDANCE ZONES IN THE SENIOR HIGH SCHOOLS
(Ad Hoc Committee, November 29, 1962)
Peterson, Melvin, Assistant Superintendent, Senior High School Division

Describes the development and the current system of senior high school attendance zones.

12. DROP-OUTS, SAN FRANCISCO JUNIOR AND SENIOR HIGH SCHOOLS
(Ad Hoc Committee, February 7, 1963)
Roberts, John L., Coordinator, Child Welfare Division

Accounts for those students who left the San Francisco Public School System and did not return to it.

13. SCHOOL BOUNDARY LINES
(Ad Hoc Committee, March 7, 1963)
Stoffer, Robert, Research Assistant, Ad Hoc Committee

The report of an investigation of the districting practices in the various divisions of the School System.

14. SCHOOL SITE SELECTION
(Ad Hoc Committee, January 10, 1963)
Vestnys, Wilbert G., Assistant Superintendent, Division of Buildings and Grounds

Reviews the policies and practices of the School System in the placement of buildings.

15. BUILDING MAINTENANCE AND MODERNIZATION
(Ad Hoc Committee, January 10, 1963)
Vestnys, Wilbert G., Assistant Superintendent, Division of Buildings and Grounds

Treats the topic from the angle of city-wide policies and procedures.

16. PUPIL TRANSFER POLICY OF THE ELEMENTARY DIVISION
(Ad Hoc Committee, December 20, 1962)
Vukota, Dorothy, Mrs., Supervisor, Elementary Division

Reviews the actual procedures followed in treating requests for the transfer of pupils to schools outside their own neighborhoods.

17. PROJECTING SCHOOL ENROLLMENTS IN SAN FRANCISCO UNIFIED SCHOOL DISTRICT
(Ad Hoc Committee, November 15, 1962)
Weeks, Harold L., Director, Bureau of Research

Describes the factors involved in ascertaining School District enrollment for the ensuing school year. Emphasizes how the shifts in pupil populations are basic to the fullest utilization of school plant.

18. PUPIL TRANSFERS IN THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, 1959-60
(Ad Hoc Committee, February 21, 1963)
Weeks, Harold L., Director, Bureau of Research

Uses eight basic questions and answers as means of interpreting the array of statistical data on pupil transiency.

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APPENDIX F

(NEW YORK STATE DIRECTIVE ON DE FACTO SCHOOL SEGREGATION)

The University of the State of New York
The State Education Department
Office of the President of the University
And Commissioner of Education

ALBANY

June 14, 1963

To: All Chief Local School Administrators and Presidents of Boards of Education.

Subject: Racial Imbalance in Schools

The State Education Department is constantly seeking to improve policies and practices which will bring about the full operation of the principle of equality of educational opportunity for persons of all social, economic and cultural backgrounds. In line with this effort and after studying the implications of the 1954 decision of the United States Supreme Court, the Board of Regents adopted and announced in January 1961, a Statement of Policy which contained the following paragraph:

"The State of New York has long held the principle that equal oportunity for all children, without regard to differences in economic, national, religious or racial background, is a manifestation of the vitality of our American democratic society

and is essential to its continuation. This fundamental educational principle has long since been written into Education Law and policy. Subsequent events have repeatedly given it moral reaffirmation. Nevertheless, all citizens have the responsibility to reexamine the schools within their local systems in order to determine whether they conform to this standard so clearly seen to be the right of every child."

The Regents' statement goes on to point out that modern psychological and sociological knowledge seems to indicate that in schools in which the enrollment is largely from a minority group of homogeneous, ethnic origin, the personality of these minority group children may be damaged. There is a decrease in motivation and thus an impairment of ability to learn. Public education in such a situation is socially unrealistic, blocking the attainment of the goals of democratic education, and wasteful of manpower and talent, whether the situation occurs by law or by fact.

To implement the Regents' policy, the Department has carried on through its Division of Intercultural Relations, a continuing program of education and assistance aimed toward securing greater understanding and constructive action throughout the schools and colleges of the State. Important progress has been made, especially in higher education.

To assemble additional information on the problem, the Department conducted in November 1961, a racial census of the elementary schools of the State. The findings of that study were reported in July 1962. The report identified a number of districts in which the ratio of Negro to white pupils was relatively high and suggested that these districts should give added attention to this situation.

In June 1962, I appointed a three-member Advisory Committee on Human Relations and Community Tensions to advise and assist the Department and the local school districts. From its studies, the Committee has developed a statement of principles for dealing with racial imbalance in the schools. A copy of this statement is enclosed.

The position of the Department, based on the policy of the Regents, and the principles of the Commissioner's Advisory Committee, is that the racial imbalance existing in a school in which the enrollment is wholly or predominantly Negro interferes with the achievement of equality of educational opportunity and must therefore be eliminated from the schools of New York State.

If this is to be accomplished, there must be corrective action in each community where such imbalance exists. In keeping with the principle of local control, it is the responsibility of the local school authorities in such communities to develop and implement the necessary plans.

It is recognized that in some communities residential patterns and other factors may present serious obstacles to the attainment of racially balanced schools. This does not, however, relieve the school authorities of their responsibility for doing everything within their power, consistent with the principles of sound education, to achieve an equitable balance.

In order that the Department may know what your plans are for carrying out this responsibility, I request that you submit to me by September 1, 1963 the following information:

1. A statement indicating the situation in your district with regard to any problem of racial imbalance, regardless of the number of Negro children enrolled, or to the actual existence of or trend toward racial imbalance. At this time and for the purpose of this report, a racially imbalanced school is defined as one having 50 per cent or more Negro pupils enrolled.

2. A statement of policy by your board of education with respect to the maintenance of racial balance in your schools.

3. In districts where racial imbalance exists, or is a problem, a report of progress made toward eliminating it.

4. In such districts, your plan for further action, including estimates of the additional cost, if any, and of the time required for carrying out your plan.

In addition to this request for information from your district, I have directed the staff of the State Education Department to reexamine all State Laws, rules, regulations, policies and programs pertinent to the issue here under discussion, and to submit to me by the same date any revisions that may be necessary for making them more effective instruments for the elimination of racial imbalance.

These requests for more positive action to eliminate racial imbalance in the schools of New York State are a logical extension of State law and policy, necessary if the principles of equality of educational opportunity is to apply to all, regardless of race, color, creed or economic background. I am aware that many of you have already taken constructive action in this regard and that you will continue to do so. I am confident that working together we shall be able to achieve solutions which will truly serve the purpose of education in a democracy.

Please let me know how the Department can be of assistance to you in this important effort.

Sincerely,

James E. Allen, Jr.
Commissioner of Education

Enc.

THE BOARD OF REGENTS
THE UNIVERSITY OF THE STATE OF NEW YORK
STATEMENT OF POLICY ON DE FACTO SEGREGATED PUBLIC SCHOOLS
Adopted January 28, 1960

"After the Supreme Court decision of May 1954, we have all been a part on re-evaluating the role of education in a democracy. It was of greatest significance that the Court in its historic decision stated:

> 'We must consider public education in the light of its full development and its present place in American life throughout the nation ...
>
> 'Today, education is perhaps the most important function of state and local givernments... it is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education...
>
> '...to separate (them) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone...'

"The State of New York has long held the principle that equal educational opportunity for all children, without regard to differences in economic, national, religious or racial background, is a manifestation of the vitality of our American democratic society and is essential to its continuation. This fundamental educational principle has long since been written into Education Law and policy. Subsequent events have repeatedly given it moral reaffirmation. Nevertheless, all citizens have the responsibility to re-examine the schools within their local systems in order to determine whether they conform to this standard so clearly seen to be the right of every child.

"Modern psychological knowledge indicates that schools enrolling students largely of homogeneous, ethnic origin, may damage the personality of minority group children. Such schools decrease their motivation and thus impair the ability to learn. Public education in such a setting is socially unrealistic, blocks the attainment of the goals of democratic education, and is wasteful of manpower and talent, whether this situation occurs by law or by fact.

"In seeking to provide effective education for all the children of this State, boards of education are faced with many obstacles in the form of complex social and community problems. Among them is the existence of residential segregation which leads to schools with students predominantly of one race on the elementary and high school levels.

"In spite of these and other difficulties, the Regents are determined to accept this challenge facing our schools today. We charge the Regents Advisory Council on Intercultural Relations in Education, working in close cooperation with the State Education Department, to assist in seeking solutions to the educational aspects of the problem. The Council's recommendations for action, based on systematic and objective study, will be reported to the Regents in due course.

"We recognize that we who have been given the responsibility for the education of the children and youth in our State can deal directly with only these educational aspects. There are larger community problems which influence the quality of education in, and the ethnic composition of our schools. So long as these larger social problems remain unsolved, it will be difficult to solve some of the basic and related educational situations. For this reason, therefore, we call upon all our citizens and their agencies of government and their civic organizations to take concrete steps to provide the social climate which will make it possible for us to increase the effectiveness of education. Only with this cooperation will we be able to provide that type of democratic education which will enable all children to contribute their understanding, knowledge and skills to increase the greatness of our State and our Nation."

AGREEMENT REACHED
BY REPRESENTATIVES OF THE BOARD OF EDUCATION
AND THE CITY-WIDE COMMITTEE FOR INTEGRATED SCHOOLS
AT MEETING AT CITY COMMISSION ON HUMAN RIGHTS OF NEW YORK

September 5, 1963

At a meeting at the City Commission on Human Rights, attended by representatives of the Commission, the Board of Education and the City-Wide Committee for Integrated Schools, it was agreed as follows:

The Board of Education will have a tentative report and a plan for integration of our schools available by December 1, 1963. The tentative proposal will be made in consultation with civil rights and other interested groups and will specify in detail the effects of the various techniques and provide for such other techniques as may be required to integrate our schools. This proposal will set forth a specific timetable for realization of the plan for integration.

Thereafter, in continued consultation with the community and civil rights groups, the Board agrees to have a final plan of integration of the New York City schools available by February, 1964. Both the tentative and final plans will set forth a completion date for integration of our New York City Schools.

In the formulation of the tentative and final plans the Superintendent of Schools will include provisions for a substantial, realistic and working program of integration in every school district in September, 1964.

NOTE: The City-Wide Committee for Integrated Schools consists of the following organizations:

* National Association for the Advancement of Colored People
Urban League of Greater New York
Congress of Racial Equality (Manhattan, Brooklyn & Bronx branches)
Harlem Parents Workshop for Equality in New York City Schools

* 8 branches and National Office.

STATEMENT BY STANLEY H. LOWELL
(Chairman, City Commission on Human Rights of New York)
AT THE END OF THE MEETING BETWEEN THE
BOARD OF EDUCATION AND THE CIVIL RIGHTS GROUPS

August 27, 1963

It is agreed:

that the Board of Education instruct the staff to make an analysis with all possible speed of all techniques for integration of the schools, and of the implementation of the techniques which are spelled out in Dr. Calvin Gross' report to Dr. Allen.

that the staff estimate the results (in terms of the number of schools) of putting the techniques into effect.

that the staff will simultaneously make the best possible estimate of the timetable for the realization of the proposals.

that a continuing committee made up of three members of the Board, three members of the civil rights groups and three members of our commission, CCHR, meet from time to time, with the first meeting to be next week, to examine progress made and come up with any other techniques or methods, if necessary, looking toward desegregation of the schools.

that all action taken is to be consistent with the Board of Education's policy statement of June, 1963.

It is further agreed:

that in line with the proposal by Max Rubin there be created an integration policy council of all city agencies involved in the problem of integration in the city. This committee if to be under the chairmanship of CCHR or other designee of the Mayor.

* * * * * *

APPENDIX G

(Advisory Committee on De Facto
Segregated Schools to New York
State Commissioner of Education.)

The University of the State of New York
The State Education Department
Office of the President of the University
And Commissioner of Education

ALBANY

GUIDING PRINCIPLES
FOR
SECURING RACIAL BALANCE
IN PUBLIC SCHOOLS

Statement Proposed by the State Education Commissioner's Advisory Committee on Human Relations and Community Tensions /Chaired by Dr. John H. Fischer, President, Teachers College, Columbia University./

In contemporary America, race or color is unfortunately associated with status distinctions among groups of human beings. The public schools reflect this larger social fact in that the proportion of Negroes and whites in a given school is often associated with the status of the school. The educational quality and performance to be expected from that school are frequently expressed in terms of the racial complexion and general status assigned to the school. It is well recognized that in most cases a school enrolling a large proportion of Negro students is viewed as a lower status school. It is also true, of course, that an all white school enrolling a substantial proportion of children from culturally deprived homes is frequently considered less desirable.

A cardinal principle, therefore, in the effective desegregation of a public school system is that all of the schools which comprise that system should have an equitable distribution of the various ethnic and cultural groups in the municipality or the school district. Where minority group and lower-status children tends to receive more such children as parents who are able to do so move to neighborhoods and schools of higher status.

A program which seeks an equitable distribution of majority and minority group children in all of the schools of a district offers several advantages. It will enable all children to profit from acquaintance with others of different backgrounds than their own, it will reduce distinctions among schools based on non-educational factors, and will probably stabilize the shifts of enrollment which often follow the arrival of minority group children in disproportionate numbers in a particular school.

The Committee recognizes that long established patterns and community customs are not easily or quickly changed and that psychological and social factors operate on all sides of such a situation as the one now before you. We therefore suggest six principles which seem to us relevant to the whole question of racial balance in the schools.

1. The common school has long been viewed as a basic social instrument in attaining our traditional American goals of equal opportunity and personal fulfillment. The presence in a single school of children from varied racial, cultural, socio-economic, and religious backgrounds is an important element in the preparation of young people for active participation in the social and political affairs of our democracy.

2. In forming school policies, every educationally sound action should be taken to assure not only passive tolerance but active acceptance of and genuine respect for children from every segment of the community, with particular attention given to those from minority groups that may have been the objects of discriminatory mistreatment.

3. No action, direct or indirect, overt or covert, to exclude any child or group of children from a public school because of ethnic, racial, religious, or other educationally irrelevant reasons should be taken by any public agency. Whereever such action has occurred it is the obligation of the school authorities to correct it as quickly as possible.

4. No action should be taken which implies that any school or any group of pupils is socially inferior or superior to another, or which suggests that schoolmates of one group are to be preferred to schoolmates of another. In establishing school attendance areas one of the objectives should be to create in each school, a student body that will represent as nearly as possible a cross-section of the population of the entire school district, but with due consideration also for other important educational criteria including such practical matters as the distance children must travel from home to school.

5. A "neighborhood school" offers important educational values which should not be overlooked. The relation between a school and a definable community with which it is identified can, in many cases, lead to more effective participation by parents and other citizens in the support and guidance of the school. It can stimulate sound concern for the welfare of the school and its pupils and can lead to beneficial communication between the school staff and the community that staff serves.

6. When a "neighborhood school" becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto type situation it does not serve the purposes of democratic education.

June 17, 1963

* * * * * * *

Dr. Fischer on Integration: Changing Views

By Terry Ferrer
Education Editor

A Negro boy of 12 is caught and kicked by three white boys in Astoria, Queens—and has his face painted white—after he transfers to a new school.

A Federal judge steps down from the bench to go see for himself how a 93 per cent Negro school in Manhasset, L. I., compares with two all-white schools.

The National Association for the Advancement of Colored People is attacking de facto school segregation in 69 Northern and Western communities from Connecticut to California—and has 18 court cases pending.

These events of the last few weeks are only symptomatic of the continuing failure of both school and society to effect successful integration. It was nine years ago this month that the United States Supreme Court ruled that segregated schools are unconstitutional. In terms of real progress, they have been nine lean years.

It is true that efforts have been made—but most of them have been token efforts. Token integration in some Southern states; token transportation by bus of some Negro students to white schools which have room for them, in cities like New York and Detroit; token special programs for the underprivileged Negro child.

Are all of these efforts merely "shabby compromises" or the equivalent of "applying Band-Aids to a cancerous sore"? These were the terms applied to bus transportation for integration and to this city's Higher Horizons program by a Princeton professor last week.

Speaking at an integration conference at Teachers College, Columbia University, Melvin Tumin, professor of sociology and anthropology at Princeton, called for "social engineering" to actively bring about desegregation.

Down the hall at Teachers College the day Prof. Tumin spoke, TC's president, Dr. John H. Fischer, was following news of the conference in his office. Dr. Fischer was school superintendent in Baltimore at the time of the Supreme Court decision, and quietly—but effectively and immediately — desegregated the public schools there.

Dr. Fischer is also the man who said just a year ago: "I do not like to see administrators playing God to manipulate children in what they think is the best pattern" of integration. Redrawing school district lines or transporting children by bus across district lines to create racially balanced schools is "offensive, irrelevant and improper," Dr. Fischer added then.

Dr. Fischer was asked last week whether he felt administrators were still trying to play God.

"I've changed my mind," said Dr. Fischer in an interview. "Racial integration is one purpose we've got to seek —actively seek—in our society. The issue is not only what must be done to comply with the law, but rather what constitutes sound education and wise policy."

Reversing himself even more, Dr. Fischer continued: "If we let nature take its course, we will have more segregation and more stratification. I am very apprehensive if we make decisions which separate our society."

In school policy, he went on, "a deliberate effort must be developed to regain the values of the common school."

What then, he was asked, is the best way to restore the common school and prove its desirability?

There are three ways, Dr. Fischer said. First, there is the matter of drawing school boundary lines.

"The more natural form of integration is to district schools so as to bring in by deliberate planning children of varied background, ethnic, religious, etc.," he said. "One of the objectives should be to create a student body in each school that will represent as nearly as possible a cross-section of the population of the entire school district."

Where this is not possible because of, say, large areas of de facto segregated housing, the second way is "deliberate transportation," Dr. Fischer continued. "I am not convinced that this is a wise road," but if Negro or Puerto Rican children must be transferred from overcrowded schools, he said, "they should not be transported to the same type of school. You must make the decision for the benefits of the common school."

The third way involves having undistricted junior and senior high schools, he said. "When a child finishes elementary school, counsellors should advise him to choose a school with children of varied backgrounds."

This is Dr. Fischer's plan of social engineering for integration. It cannot be accomplished in easy steps, or perhaps even in nine more years. But unless a real beginning is made—in the North and West as well as in the South—the Supreme Court decision of 1954 will remain meaningless, and racial troubles will grow and intensify. The time has already past for more citizens, like Dr. Fischer, to change their minds and put forward active efforts instead of passive laxness.

Dr. Fischer's Words

"I'VE CHANGED my mind on ways of effecting school integration," says Dr. John H. Fischer the noted president of Teachers College, Columbia University. "In establishing school attendance areas, one of the objectives should be to create a student body in each school that will represent as nearly as possible a cross-section of the population of the entire school district, but with due consideration also for other important educational criteria including such practical matters as the distance children must travel from home to school. No action should imply that one school is socially inferior or superior to another, or that schoolmates of one group are preferable to schoolmates of another. . . . In forming school policies, every educationally sound action should be taken to assure not merely passive tolerance but active acceptance and genuine respect to children from every segment of the community, with particular attention being given to those minority groups that have suffered discriminatory mistreatment."

Reprinted by the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE from the New York HERALD TRIBUNE, May 5, 1963

APPENDIX I

CRAIG FISHER, DEBORAH FISHER, KIM FISHER, DIANE FISHER and LINDA FISHER, minors, by Mrs. Gloria Fisher, their parent and next friend;

CRAIG FRAZIER, KAREN FRAZIER, WAYNE FRAZIER and CHERYL FRAZIER minors, by Mrs. Hellen Frazier, their parent and next friend;

ALETHIA SMITH, HORACE SMITH, JR., and BRUCE SMITH, minors, by Mr. and Mrs. Horace W. Smith, their parents and next friend;

PETITIONERS,

v.

THE BOARD OF EDUCATION OF THE CITY OF ORANGE, ESSEX COUNTY,

RESPONDENT.

DECISION OF THE COMMISSIONER OF EDUCATION

May 15, 1963

For Petitioners, Herbert H. Tate, Esq., William Wright, Jr., Esq., Robert L. Carter, Esq., Maria L. Marcus, Esq., Barbara A. Morris, Esq.

For Respondent, Lee A. Holley, Esq., Walter D. Van Riper, Esq., Special Counsel.

This appeal, brought in the name of several children of school age by their parents, alleges the maintenance of a racially segregated school system in the City of Orange and protests the refusal of the Board of Education to formulate and execute plans and procedures designed to eliminate the existing pattern of racial segregation. The relief sought is an order requiring the respondent Board to take steps to eliminate all aspects of racial segregation in the Orange Public School System. Respondents enter a general denial of these allegations.

A hearing on the issues was conducted by the Assistant Commissioner in charge of Controversies and Disputes in Newark on November 20, 21, December 3, 5, 6, and 14, 1962.

The facts underlying this controversy are relatively few and are undisputed to any material degree.

The charge of segregation herein is leveled against the assignment of pupils to the eight elementary schools in the City of Orange. The single high school in the district, which receives all of the pupils of secondary grade, is not involved.

The eight public elementary schools of the City of Orange have an enrollment of 50 percent white and 50 percent Negro pupils distributed by schools as follows:

School	Grades 1961-62	Grades 1962-63	% Negro Pupils 1961-62	% Negro Pupils 1962-63
Oakwood School	K-5	K-4	99	99
Central School	5-8	7-8	99	66
Park School	K-8	K-6	44	50
Lincoln School	K-8	K-6	42	60
Forest School	K-8	K-8	41	43
Cleveland School	K-8	K-8	25	19
Heywood School	(K-8)	K-5	(20)	19
Tremont School		5-8		24
Total			48	50

Some controversy has existed for a number of years with regard to the Oakwood School which has an enrollment of 99 percent Negroes. In 1958, in the process of investigating a complaint of pupil assignments, the Division Against Discrimination of the New Jersey State Department of Education entered into discussions with the Orange Board of Education which resulted in the modification and establishment of new attendance area boundaries for the Heywood-Tremont, Oakwood, Park, and Cleveland Schools. Subsequently, at a meeting on December 6, 1961, the Board received from a group of citizens four proposals designed to relieve the concentration of Negro pupils in the Oakwood School and Central School. After taking the four proposals under consideration, the Board at a meeting on February 1, 1962, adopted a resolution embodying a different plan than any of those submitted. The group submitting the four proposals found this plan to be unacceptable and voiced objection to it. Its primary feature was a change in the use of Central School which reduced its range of grades to 7-8 instead of 5-8. The consequent reassignment of pupils affected in slight degree each of the other schools except Forest, Heywood, and Tremont. This plan became effective in September, 1962. As a result the concentration of Negro pupils in Central School was reduced from 99 percent to 66 percent. While there was some shifting of racial ratios in the other schools, Oakwood remained almost entirely Negro. That the pupil population of this school continues to be racially homogeneous is the primary basis of petitioners' attack on the policies of the Board of Education.

While petitioners maintain that the actions of respondent Board of Education have been such as would keep as many Negro children as possible in schools separate and apart from those attended by white pupils, thus practicing deliberate and purposeful segregation, the main thrust of their petition is that the fact of racial segregation, by design or not, violates their legal and constitutional rights. They assert that the Courts have established that segregated education is unequal education and whether such segregation exists as a result of deliberate efforts or whether it is caused by socio-economic or adventitious forces is immaterial; the results are one and the same and disadvantage the Negro child. They contend that no matter how caused, the existence of racially imbalanced schools required action by the Board of Education which will result in the elimination of racially homogeneous school enrollments.

Respondent denies that there has been any attempt to segregate pupils by race in its schools and asserts that it has at all times administered its schools upon sound educational and legal principles. It contends that the utilization of race as a factor in the determination of school policies is as improper as discriminatory practices based on racial considerations. It finds no legal necessity or desirability for the adoption of the proposals advanced to mitigate the present racial concentration in preference to those already in effect.

In their brief, petitioners frame the issues herein as follows:

> "* * * whether a requirement, rule, regulation or policy of the respondent School Board that compels the appellants and other Negro children to attend a school to which only or virtually only Negro children are required to attend constitutes a violation of the constitutional rights of appellants and of the class they represent and is in derogation of the fundamental obligation of the School Board, thereby necessitating remedial action * * *."

In respondent's words the issues are:

> "* * * (1) have the various Orange school officials been derelict in their legal and constitutional responsibilities in failing to administer a school system, upon prime racial distinctions and standards, without discriminatory racial quotas, and upon necessary and important educational considerations? and, (2) assuming for the purposes of argument, some duty or desirability to utilize some 'benign' racial discrimination in school assignments, has the Board of education utilized its facilities with proper judgment and with legal authority, considering the numerous matters of local concern, regarding Oakwood Avenue School, vis-a-vis, other Orange elementary schools?"

It has been argued by the respondent that the issue in this matter presents novel questions of constitutional law which are beyond the scope of the Commissioner's quasi-judicial function. The Commissioner, while applying constitutional principles to the determination of school controversies, has consistently

refused to attempt to decide constitutional questions, and to the extent that such issues are present herein, he will not presume upon the function of the Courts. He is aware, however, that in dismissing a similar complaint brought by other parents in the United States District Court for New Jersey, saying that it should be subject first to the exhaustion of administrative remedies, Judge Augelli said:

> "Plaintiffs have not satisfied this Court that the Commissioner lacks authority to grant the specific relief requested herein. There is ample power in the Commissioner to hear all disputes and controversies arising under the school laws and to make binding decisions with respect thereto. * * *
>
> "* * * a determination of the manner in which the 'neighborhood school policy' operates in any particular community requires a consideration and evaluation of a multitude of factors. This Court feels that the Commissioner is especially well qualified, by reason of his knowledge and experience in the specialized field of education, to make these factual determinations. There is no reason to assume that the Commissioner, in the performance of his duty, will not be guided by the applicable legal principles. Under all of the circumstances, the Commissioner should be given the opportunity, at least in the first instance, to pass upon the matters set forth in plaintiffs' complaint. Until such time as plaintiffs have exhausted the state administrative remedies provided by N.J.S.A. 18:3-14 and 15, this Court should not entertain the action." Shepard v. The Board of Education of the City of Englewood, 207 F.Supp. 341 (U.S.D.C.N.J. 1962); Allen v. The Board of Education of the City of Orange, Ibid.

Under this mandate from the Court and confronted with a controversy obviously involving the proper administration of a public school district, the Commissioner has taken cognizance of this dispute and will make his determination of the issues herein in accordance with the application of educational principles and the school laws of New Jersey.

The pertinent New Jersey law is found in the New Jersey Constitution, Article I, section 5:

> "No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin."

and R.S. 18:14-1:

> "Each school district shall provide suitable school facilities and accommodations for all children who reside in the district and desire to attend the public schools therein. Such facilities and accommodations shall include proper school buildings, together with furniture and equipment, convenience of access thereto, and courses of study suited to the ages and attainments of all pupils between the ages of five and twenty years. * * *"

The first question to be answered is: Have the Orange school authorities, by intent or design, segregated or attempted to segregate the Negro pupils?

No evidence has been presented to establish such a charge. Although petitioners make this general allegation they advance no proof of deliberate and purposeful action to maintain racially segregated schools or to discriminate between pupils on the basis of race.

The pivotal question in this case is: Does the existence of the Oakwood School as virtually an all Negro school, constitute such an educational handicap to the pupils assigned to it, that the board of education is duty bound to eliminate its racial imbalance or reduce it within the limits of reasonableness and practicability consistent with sound educational practice?

The area adjacent to the Oakwood School is densely populated by Negro families almost exclusively. A large part of the enrollment comes from a Federal housing project close to the Oakwood School whose occupants are practically all Negro.

The school attendance boundaries, roughly rectangular, approximate equidistant points between Lincoln, Central, and Park Schools and include almost all of this highly congested Negro population area. The boundary lines are regular and the Commissioner finds no evidence that they have been drawn with deliberate intent to make Oakwood an all Negro school. That its enrollment is 99 percent Negro results obviously from the housing pattern.

It is clear that the ultimate solution lies in the free choice of residence and the elimination of segregated housing which lie beyond the control of the board of education or the Commissioner. Nevertheless, the Commissioner is of the opinion that in the minds of Negro pupils and parents a stigma is attached to attending a school whose enrollment is completely or almost exclusively Negro, and that this sense of stigma and resulting feeling of inferiority have an undesirable effect upon attitudes related to successful learning. Reasoning from this premise and recognizing the right of every child to equal educational opportunity, the Commissioner is convinced that in developing its pupil assignment policies and in planning for new school buildings, a board of education must take into account the continued existence or potential creation of a school populated entirely, or nearly so, by Negro pupils.

The Orange City Board of Education took steps at the beginning of this school year which effectively reduced the concentration of Negro pupils in the Central School. From his study of this problem, the Commissioner concludes that the Board of Education can also eliminate the extreme concentration of Negro pupils in the Oakwood School. He is further convinced that this can be done without doing violence to logical attendance areas or at the sacrifice of sound educational considerations. The practice of assigning pupils to schools near their homes, particularly with regard to children of elementary school age, is well established and is attended by educational values that are widely accepted, not only by educators, but by the public generally. Consideration of such factors as distance to be travelled, safety, economy of time, establishment of rapport between school and home, and knowledge by the school staff of the child's environment have operated to establish convenience of access as the controlling criterion of pupil assignment, and the importance of these values cannot be denied. It is the Commissioner's conviction, nonetheless, that one or more solutions to the present problem can be developed which will mitigate the existing undesirable concentration of Negro enrollment in the Oakwood School and which can at the same time preserve and protect in great part the values of the time-tested patterns of pupil assignment.

The Commissioner does not mean to suggest that the solution to this problem is necessarily simple. He notes also that petitioners recognize the difficulties confronting the Board when they say in their brief:

> "Obviously, however, logic makes its demands. The School cannot be required to do the impossible, but if there are reasonable and administratively feasible alternatives available which would reduce or eliminate the school segregation complained of, the respondent is under constitutional obligation to put those alternatives into effect."

He points out, however, that a number of plans have already been proposed, some by civic organizations and others in a report of a committee of the New Jersey State Department of Education. For instance, it has been suggested that the Oakwood and Park Schools be combined into one attendance area. Under this proposal all pupils in this district would attend one school for grades 1-3 and the other school for grades 4-6. Such a plan would reduce the ratio of Negro children in Oakwood as indicated in the report of the Department of Education. (See appendix)

The above plan is cited not to imply that it is favored or that it necessarily offers the best solution, but only for purposes of illustration and to indicate that the problem is not incapable of solution. Doubtless there are other plans than those already offered which the Board may want and need to consider. Because the Board has had this matter under study for a long time, the Commissioner is certain that a satisfactory plan can be formulated and approved without delay in order that the beginning of the next school year will see the elimination of this problem.

The Commissioner finds and determines

(1) that the concentration of Negro pupils in the Oakwood School does not result from the employment of deliberate and purposeful segregation policies;

(2) that attendance at the Oakwood School engenders feelings and attitudes which tend to interfere with successful learning;

(3) that such extreme racial imbalance as obtains in the Oakwood School, at least where means exist to prevent it, constitutes under New Jersey law a deprivation of educational opportunity for the pupils compelled to attend the school; and

(4) that reasonable means consistent with sound educational and administrative practice do exist to avoid the extreme concentration of Negro pupils in the Oakwood School.

The Commissioner of Education directs the Orange Board of Education

(1) to formulate a plan consistent with the principles and findings enunciated in this decision to reduce the imbalance in the Oakwood School;

(2) to submit such plan or plans for approval on or before July 1, 1963; and

(3) to implement its plan as approved with the beginning of the 1963-64 school year.

Jurisdiction over this appeal is retained by the Commissioner pending the adoption by the Orange City Board of Education of a plan which meets with the approval of the Commissioner, and the Commissioner reserves the right to make such further order or orders in this cause as shall be necessary to effectuate a plan approved by the Commissioner for the 1963-64 school year.

/s/ F. M. Raubinger
COMMISSIONER OF EDUCATION

APPENDIX

COMBINED OAKWOOD AND PARK SCHOOL INTO ONE (1) DISTRICT*

Under this proposal pupils of the combined district would be assigned to one school for the first, second and third grades and in the other school for grades four, five and six. Kindergarten children would attend the school nearest their homes.

Advantages seen were:

1. It would reduce the present racial concentration in the Oakwood School to an approximately 72% Negro - 28 white ratio in both schools.

2. It would require no transportation by the Board of Education.

Disadvantages seen were:

1. Increased walking distance for more children as well as increased overall child travel distance.

2. Children from the extremes of the combined district would have to cross two heavy traffic arteries.

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* A Study Concerning Alleged Segregation and Discrimination in the Orange Public Schools, New Jersey State Department of Education, October, 1962, P. 57.

* * * * * * *

APPENDIX K

Malverne, L.I., New York, June 17, 1963

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE DEPARTMENT OF EDUCATION
BEFORE THE COMMISSIONER

IN THE MATTER

of the

Appeal of PATRICIA ANN MITCHELL, et al. against the Board of Education of Union Free School District No. 12 of the Town of Hempstead, Nassau County.

Jawn A. Sandifer, Esq.)
Robert L. Carter, Esq.).....Attorney for Petitioners

Thomas L. Driscoll, Esq. .....Attorney for Respondent
Frank X. Altimari, Esq. of Counsel

This is an appeal brought by children attending the public schools in Malverne-Lakeview, Long Island, Union Free School District No. 12 of the Town of Hempstead, Nassau County, through their parents and guardians, protesting:

(1) The racial imbalance presently existing in the public school system of the Malverne-Lakeview Union Free School District No. 12.

(2) The present plan of transfer of pupils from all grade 6 classes to the new proposed junior high school addition.

(3) The alleged refusal of the Board of Education to change the present zoning plan.

(4) Failure of the Board of Education to equalize the educational standards at the Woodfield Road School with those of the predominantly white schools.

An oral argument was held by me on November 7, 1962, at which the issues were presented by counsel for the petitioners and by counsel for the Board of Education. Following such argument I requested the Commissioner's Advisory Committee on Human Relations and Community Tensions, a three-member Committee established by me to advise and assist on community problems affecting public education, to conduct a special study of the situation in District 12 and to report their findings and recommendations to me in writing.

The Committee personally visited the district, met with representatives of the petitioners and with representatives of the Board of Education. A report has been made to me, copies of which were furnished the litigants, and a further oral argument has been had by me and further briefs filed.

The facts are these: The Malverne-Lakeview School District is comprised of five schools - a senior high school, a junior high school and three elementary schools - Woodfield Road School, Davison Avenue School and Lindner Place School. There is of course no problem with respect to the senior or junior high school as both schools serve all children of the district. Since this appeal was initiated all sixth grade children have been transferred from the elementary schools to the Junior High School Building.

The record shows that the Woodfield Road School has a Negro to white ratio of approximately 75 per cent and that this ratio is annually increasing. This school is commonly viewed in the community as the "Negro School." Each of the other two elementary schools has a Negro pupil enrollment of approximately 14 per cent.

On the basis of the record before me, including the report of the Advisory Committee, I conclude and determine with respect to each of the petitioners' protests as follows:

(1) Racial imbalance exists in the Woodfield Road School approximately as stated by the petitioners.

(2) The plan adopted by the Board for transferring all grade 6 classes to the Junior High School Building seems reasonable and educationally sound.

(3) The Board of Education has not been arbitrary in establishing or in refusing to change school attendance lines. Although there has been no major revision of attendance lines, recent alterations have placed a number of former Woodfield Road children in the Davison Avenue and Lindner Place Schools.

(4) The educational standards at the Woodfield Road School are not below those of the other two elementary schools. The Advisory Committee reports that - "Many activities have been undertaken by the Board and the Superintendent to raise the quality of education in all schools but more has been done in the Woodfield Road School than in the others."

Having concluded that racial imbalance exists in the Woodfield Road School, the question before me is whether, under the circumstances present in the district, such imbalance constitutes a deprivation of equality of educational opportunity envisioned under the Education Law of New York State for the pupils compelled to attend that school. I find that it does. While the Board's special efforts to improve the quality of teaching in this school are desirable, they do not overcome the disadvantages attached to racial imbalance.

In this regard the general comments and principles enunciated by the Advisory Committee are of interest:

> In contemporary America, race or color is unfortunately associated with status distinctions among groups of human beings. The public schools reflect this larger social fact in that the proportion of Negroes and whites in a given school is often associated with the status of the school. The educational quality and performance to be expected from that school are frequently expressed in terms of the racial complexion and general status assigned to the school. It is well recognized that in most cases a school enrolling a large proportion of Negro students is viewed as a lower status school. It is also true, of course, that an all white school enrolling a substantial proportion of children from culturally deprived homes is frequently considered less desirable.
>
> A cardinal principle, therefore, in the effective desegregation of a public school system is that all of the schools which comprise that system should have an equitable distribution of the various ethnic and cultural groups in the municipality or the school district. Where serious imbalance exists the school with the highest proportion of minority group and lower-status children tends to receive more such children as parents who are able to do so move to neighborhoods and schools of higher status.
>
> A program which seeks an equitable distribution of majority and minority group children in all of the schools of a district offers several advantages. It will enable all children to profit from acquaintance with others of different backgrounds than their own, it will reduce distinctions among schools based on non-educational factors, and will probably stabilize the shifts of enrollment which often follow the arrival of minority group children in disproportionate numbers in a particular school.
>
> The Committee recognizes that long established patterns and community customs are not easily or quickly changed and that psychological and social factors operate on all sides of such a situation as the one now before you. We therefore suggest six principles which seem to us relevant to the whole question of racial balance in the schools.
>
> 1. The common school has long been viewed as a basic social instrument in attaining our traditional American goals of equal

opportunity and personal fulfillment. The presence in a single school of children from varied racial, cultural, socio-economic, and religious backgrounds is an important element in the preparation of young people for active participation in the social and political affairs of our democracy.

2. In forming school policies every educationally sound action should be taken to assure not only passive tolerance but active acceptance of and genuine respect for children from every segment of the community, with particular attention given to those from minority groups that may have been the objects of discriminatory mistreatment.

3. No action, direct or indirect, overt or covert, to exclude any child or group of children from a public school because of ethnic, racial, religious, or other educationally irrelevant reasons should be taken by any public agency. Whereever such action has occurred, it is the obligation of the school authorities to correct it as quickly as possible.

4. No action should be taken which implies that any school or any group of pupils is socially inferior or superior to another, or which suggests that schoolmates of one group are to be preferred to schoolmates of another. In establishing school attendance areas one of the objectives should be to create in each school, a student body that will represent as nearly as possible a cross-section of the population of the entire school district, but with due consideration also for other important educational criteria including such practical matters as the distance children must travel from home to school.

5. A "neighborhood school" offers important educational values which should not be overlooked. The relation between a school and a definable community with which it is identified can, in many cases, lead to more effective participation by parents and other citizens in the support and guidance of the school. It can stimulate sound concern for the welfare of the school and its pupils and can lead to beneficial communication between the school staff and the community that staff serves.

6. When a "neighborhood school" becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto type situation it does not serve the purposes of democratic education.

For many years the Regents and the State Education Department have fostered and encouraged better understanding and practice in matters affecting the educational opportunities of minority groups. In January, 1960, the Regents adopted a statement of policy on "Intercultural Relations in Education" which reads as follows:

> The State of New York has long held the principle that equal educational opportunity for all children, without regard to differences in economic, national, religious or racial background, is a manifestation of the vitality of our American democratic society and is essential to its continuation. This fundamental educational principle has long since been written into Education Law and policy. Subsequent events have repeatedly given it moral reaffirmation. Nevertheless, all citizens have the responsibility to reexamine the schools within their local systems in order to determine whether they conform to this standard so clearly seen to be the right of every child.

The Regents' statement goes on to point out that modern psychological and sociological knowledge seems to indicate that in schools in which the enrollment is largely from a minority group of homogeneous, ethnic origin, the personality of these minority group children may be damaged. There is a decrease in motivation and thus an impairment of ability to learn. Public education in such a situation is socially unrealistic, blocking the attainment of the goals

of democratic education, and wasteful of manpower and talent, whether the situation occurs by law or by fact.

Numerous conferences with local school officials have been held and materials developed and distributed, under the leadership of the State Education Department designed to implement the Regents policy. A racial census of the schools was conducted during the school year 1961-62, and the results of this census were sent to the districts of the State along with suggestions for remedial action in those schools where the ratio of Negroes to whites was relatively high.

In the instant case, the Commissioner's Advisory Committee has offered four proposals for improving the racial balance in the elementary schools of the Malverne-Lakeview District:

(1) Reorganize the attendance areas of the District so that all pupils from kindergarten to grade 3 inclusive, will attend either the Davison Avenue or the Lindner Place elementary school; all pupils in grades 4 or 5 will attend the Woodfield Road School. All pupils in grades 6 to 12 will, of course, attend the Junior and Senior High School as they do now.

(2) Redraw the attendance lines in an East-West direction with the boundaries roughly parallel to each other.

(3) Establish a policy of "open enrollment" for the entire elementary school system.

(4) Transfer approximately 100 pupils from the Woodfield Road School to the other two elementary schools.

The Committee's proposals apply, of course, only to this district. The advantages and disadvantages of each proposal are set forth in their report. They state their opinion that Proposal (1) will do most to satisfy the current complaint of the petitioners.

In its reply memorandum submitted at the second oral argument, the Board rejects all of these proposals and offers no plan of its own to remove the disadvantages of this serious racial imbalance which exists in the Woodfield Road School.

It is my opinion that Proposal (1) is reasonable and can be made to work in the best interests of all the children of the district.

THE APPEAL IS SUSTAINED.

IT IS ORDERED that the Board of Education of Union Free School District No. 12 of the Town of Hempstead, Nassau County, proceed forthwith to prepare a program to make Proposal No. (1) effective on the opening of school this coming September. Such program should be submitted to me not later than August 1. If it should appear that money not already appropriated is needed for capital outlay, in such report the Board shall set forth the necessity and amount thereof.

IN WITNESS WHEREOF, I, James E. Allen Jr., Commissioner of Education of the State of New York, for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 17th day of June 1963.

SEAL

James E. Allen, Jr.

Commissioner of Education

THE UNIVERSITY OF THE STATE OF NEW YORK

the state education department
Office of the President of the Department
and Commissioner of Education

ALBANY

June 14, 1963

To: All Chief Local School Administrators and Presidents of Boards of Education

Subject: Racial Imbalance in Schools

The State Education Department is constantly seeking to improve policies and practices which will bring about the full operation of the principle of equality of educational opportunity for persons of all social, economic and cultural backgrounds. In line with this effort and after studying the implications of the 1954 decision of the United States Supreme Court, the Board of Regents adopted and announced in January 1961, a Statement of Policy which contained the following paragraph:

> "The State of New York has long held the principle that equal opportunity for all children, without regard to differences in economic, national, religious or racial background, is a manifestation of the vitality of our American democratic society and is essential to its continuation. This fundamental educational principle has long since been written into Education Law and policy. Subsequent events have repeatedly given it moral reaffirmation. Nevertheless, all citizens have the responsibility to reexamine the schools within their local systems in order to determine whether they conform to this standard so clearly seen to be the right of every child."

The Regents' statement goes on to point out that modern psychological and sociological knowledge seems to indicate that in schools in which the enrollment is largely from a minority group of homogeneous, ethnic origin, the personality of these minority group children may be damaged. There is a decrease in motivation and thus an impairment of ability to learn. Public education in such a situation is socially unrealistic, blocking the attainment of the goals of democratic education, and wasteful of manpower and talent, whether the situation occurs by law or by fact.

To implement the Regents' policy, the Department has carried on through its Division of Intercultural Relations, a continuing program of education and assistance aimed toward securing greater understanding and constructive action throughout the schools and colleges of the State. Important progress has been made, especially in higher education.

To assemble additional information on the problem, the Department conducted in November 1961, a racial census of the elementary schools of the State. The findings of that study were reported in July 1962. The report identified a number of districts in which the ratio of Negro to white pupils was relatively high and suggested that these districts should give added attention to this situation.

In June 1962, I appointed a three-member Advisory Committee on Human Relations and Community Tensions to advise and assist the Department and the local school districts. From its studies, the Committee has developed a statement of principles for dealing with racial imbalance in the schools. A copy of this statement is enclosed.

The position of the Department, based on the policy of the Regents, and the principles of the Commissioner's Advisory Committee, is that the racial imbalance existing in a school in which the enrollment is wholly or predominantly Negro interferes with the achievement of equality of educational opportunity and must therefore be eliminated from the schools of New York State.

If this is to be accomplished, there must be corrective action in each community where such imbalance exists. In keeping with the principle of local control, it is the responsibility of the local school authorities in such communities to develop and implement the necessary plans.

It is recognized that in some communities a residential pattern and other factors may present serious obstacles to the attainment of racially balanced schools. This does not, however, relieve the school authorities of their responsibility for doing everything within their power, consistent with the principles of sound education, to achieve an equitable balance.

In order that the Department may know what your plans are for carrying out this responsibility, I request that you submit to me by September 1, 1963, the following information:

1. A statement indicating the situation in your district with regard to any problem of racial imbalance, regardless of the number of Negro children enrolled, or to the actual existence of or trend toward racial imbalance. At this time and for the purpose of this report, a racially imbalanced school is defined as one having 50 per cent or more Negro pupils enrolled.

2. A statement of policy by your board of education with respect to the maintenance of racial balance in your schools.

3. In districts where racial imbalance exists, or is a problem, a report of progress made toward eliminating it.

4. In such districts, your plan for further action, including estimates of the additional cost, if any, and of the time required for carrying out your plan.

In addition to this request for information from your district, I have directed the staff of the State Education Department to reexamine all State laws, rules, regulations, policies and programs pertinent to the issue here under discussion, and to submit to me by the same date any revisions that may be necessary for making them more effective instruments for the elimination of racial imbalance.

These requests for more positive action to eliminate racial imbalance in the schools of New York State are a logical extension of State law and policy, necessary if the principle of equality of educational opportunity is to apply to all, regardless of race, color, creed or economic background. I am aware that many of you have already taken constructive action in this regard and that you will continue to do so. I am confident that working together we shall be able to achieve solutions which will truly serve the purposes of education in a democracy.

Please let me know how the Department can be of assistance to you in this important effort.

Sincerely,

/s/ James E. Allen, Jr.

James E. Allen, Jr.
Commissioner of Education

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APPENDIX K

Decision of the California Supreme Court
in the NAACP Pasadena school case,
June 27, 1963

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

JAY R. JACKSON, JR., a Minor, etc., Plaintiff and Appellant, v. PASADENA CITY SCHOOL DISTRICT et al., Defendants and Respondents.	L. A. 26705

Jay Jackson, a 13-year-old Negro boy, brought this mandamus proceeding to compel defendants to permit him to transfer from the Washington Junior High School to the Eliot Junior High School. Defendants' demurrer was sustained without leave to amend, and this appeal is from the ensuing judgment. The allegations of the complaint are summarized below.

Prior to July 1961 the Pasadena City School District contained a number of junior high school zones, including Washington, McKinley, and Eliot. The McKinley zone is immediately south of Washington, and Eliot is immediately north of Washington. Extending along the western boundary of the Washington zone and, to a lesser extent, along a portion of the western boundary of the McKinley zone was the Linda Vista Elementary School zone. Because of the withdrawal from the Pasadena district of a junior high school which pupils of the Linda Vista area formerly attended, it became necessary to determine which junior high school they would attend in the Pasadena district. The Linda Vista area is in the main closer to Washington than to any other junior high school in the district. Certain residents of Linda Vista became alarmed at the possibility that pupils from that area, none of whom was a Negro, might be required to attend Washington, which has an enrollment predominantly of Negroes and members of other minority groups. They urged defendant board to assign the Linda Vista pupils to McKinley, which contains a considerably smaller proportion of Negroes, and threatened to seek withdrawal of Linda Vista from the district if this were not done. In July 1961 the board adopted zone boundaries for junior high schools, and, instead of placing the Linda Vista area in the Washington zone, the board arbitrarily gerrymandered the McKinley zone to include that area. This was done for the purpose of instituting, maintaining, and intensifying racial segregation at Washington, relegating to a single junior high school a substantial proportion of all Negro pupils, and permitting most white pupils to avoid attendance at schools where substantial numbers of Negroes are enrolled. As so established, Washington is a racially segregated school which is inherently inferior to other junior high schools in the district. Plaintiff, who resides in the Washington zone, is required by the board to attend the Washington school, with the result that he is denied equal opportunity for public school education. Plaintiff's request for a transfer to Eliot, which is convenient for him to attend, was denied by the board.

In support of the contention that the complaint does not state a cause of action it is argued that the allegations that Washington is a racially segregated school and that the McKinley zone was gerrymandered to include the Linda Vista area within it are conclusions of law which are not admitted by demurrer. The distinction between ultimate facts and conclusions of law involves at most a matter of degree. The particularity required in pleading facts depends on the extent to which the defendant in fairness needs detailed information that can be conveniently provided by the plaintiff; less particularity is required where the defendant may be assumed to have knowledge of the facts equal to that possessed

by the plaintiff. (Burks v. Poppy Construction Co., 57 Cal.2d 463, 473-474.) The averments with respect to racial segregation and gerrymandering should be treated on general demurrer as allegations of ultimate facts and not more conclusions of law.

A local board of education has power, in the exercise of reasonable discretion, to establish school attendance zones within the district, to determine the area that a particular school shall serve, and to require the students in that area to attend that school. (Ed. Code, section 984, subd. (a); see 29 Ops. Cal. Atty. Gen. 63 (1957); Ops. Cal. Atty. Gen. No. 7800 (Nov. 3, 1931.) It is obvious, however, that the general powers of the board with respect to attendance zones are subject to the constitutional guarantees of equal protection and due process.

The segregation of school children into separate schools because of their race, even though the physical facilities and the methods and quality of instruction in the several schools may be equal, deprives the children of the minority group of equal opportunities for education and denies them equal protection and due process of the law. (Brown v. Board of Education of Topeka, 347 U. S. 483, 493-495; Bolling v. Sharpe, 347 U.S. 497, 499-500). In view of the importance of education to society and to the individual child, the opportunity to receive the schooling furnished by the state must be made available to all on an equal basis. Because of intangible considerations relating to the ability to learn and exchange views with other students, segregated professional schools have been held not to provide equal educational opportunities, and such considerations apply with added force to children in grade and high schools. The separation of children from others of similar age and qualifications solely because of race may produce a feeling of inferiority which can never be removed and which has a tendency to retard their motivation to learn and their mental development. (Brown v. Board of Education of Topeka, 347 U.S. 483, 493-494.)

The constitutional rights of children not to be discriminated against in school admission on the grounds of race or color cannot be nullified by state action either openly and directly or indirectly by evasive schemes for segregation, and the Fourteenth Amendment is violated where zoning is merely a subterfuge for producing or perpetuating racial segregation in a school. (Cooper v. Aaron, 358 U.S. 1, 17; Taylor v. Board of Ed. of City Sch. Dist. of New Rochelle, 294 F. 2d 36, 39; Clemons v. Board of Education of Hillsboro, 228 F.2d 853, 856 et seq.; Evans v. Buchanan, 207 F. Supp. 820, 824; cf. Gomillion v. Lightfoot, 364 U.S. 339, 341 et seq.) Although in general the federal cases have been concerned with instances of complete or almost complete segregation, it is not decisive that absolute segregation is not present. Improper discrimination may exist notwithstanding attendance by some white children at a predominantly Negro school or attendance by some Negro children at a predominantly white school.

The boundaries of school zones are normally fixed on a neighborhood basis and where racial imbalance exists in California schools it is usually caused by the fact that the Negro population tends to concentrate in certain areas due to economic factors and discrimination in housing. Thus, some schools may have a disproportionately high percentage of Negro students even though there is no intent by school authorities to discriminate against them. Here, however, it is alleged that the existing imbalance has been intensified by purposeful and unreasonable action on the part of the board. The fact that the gerrymandering of the McKinley zone is not alleged to have changed the physical boundaries of Washington or its racial composition does not mean that the gerrymandering did not constitute discrimination against plaintiff and the other Negro pupils at Washington. A racial imbalance may be created or intensified in a particular school not only by requiring Negroes to attend it but also by providing different schools for white students who, because of proximity or convenience, would be required to attend it if boundaries were fixed on a non-racial basis.

Although it is alleged that the board was guilty of intentional discriminatory action, it should be pointed out that even in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have. Residential segregation is in itself an evil which tends to frustrate the youth in the area and to cause anti-social attitudes and behavior. Where such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful

influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis without corrective measures. The right to an equal opportunity for education and the harmful consequences of segregation require that school boards take steps, insofar as reasonable feasible, to alleviate racial imbalance in schools regardless of its cause. Our State Board of Education has adopted regulations which encourage transfers to avoid and eliminate racial segregation (Cal. Admin. Code, tit. 5, sections 2010[1], and transfers for that purpose are provided for in New York City and elsewhere (see 1961 U.S. Commission on Civil Rights Report, Book 2, Education, pp. 104-107).

School authorities, of course, are not required to attain an exact apportionment of Negroes among the schools, and consideration must be given to the various factors in each case, including the practical necessities of governmental operation. For example, consideration should be given, on the one hand, to the degree of racial imbalance in the particular school and the extent to which it affects the opportunity for education and, on the other hand, to such matters as the difficulty and effectiveness of revising school boundaries so as to eliminate segregation and the availability of other facilities to which students can be transferred.

It follows from what we have said that the demurrer should have been overruled.

The judgment is reversed.

WE CONCUR

TRAYNOR, J.
SCHAUER, J.
McCOMB, J.
PETERS, J.
TOBRINER, J
PEEK, J.

GIBSON, C. J.

Attorneys for Appellant: LOREN MILLER
A. L. WIRIN
S. SHEATS

Attorneys for Respondent: HAROLD KENNEDY,
County Counsel

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[1]California Administrative Code, Title 5, section 2010, provides "STATE BOARD POLICY. It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to avoid and eliminate segregation of children on account of race or color."

California Administrative Code, Title 5, section 2011, provides: "ESTABLISHMENT OF SCHOOL ATTENDANCE AREAS AND SCHOOL ATTENDANCE PRACTICES IN SCHOOL DISTRICT. For the purpose of avoiding, insofar as practicable, the establishment of attendance areas and attendance practices which in practical effect discriminate upon an ethnic basis against pupils or their families or which in practical effect tend to establish or maintain segregation on an ethnic basis, the governing board of a school district in establishing attendance areas and attendance practices in the district shall include among the factors considered the following: (a) The ethnic composition of the residents in the immediate area of the school. (b) The ethnic composition of the residents in the territory peripheral to the immediate area of the school. (c) The effect on the ethnic composition of the student body of the school based upon alternate plans for establishing the attendance area or attendance practice. (d) The effect on the ethnic composition of the student body of adjacent schools based upon alternate plans for establishing an attendance area or an attendance practice. (e) The effect on the ethnic composition of the student body of the school and of adjacent schools of the use of transportation presently necessary and provided either by a parent or the district."

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